

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 20th January 1950.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Formation of the Andhra Province.

* 105-A Q.—SRI B. BHIMA RAO : Will the Hon. the Premier be pleased to state—

(a) whether this Government have sent their final report to the Government of India about the formation of the Andhra Province and, if so, on what date, and whether the Government will lay a copy of the report on the table of the House;

(b) whether the Leader of the House had given an assurance on the 17th November 1949 that the Council would be consulted with regard to the formation of the Andhra Province before the report was finally sent to the Government of India;

(c) whether the Government will publish the first communication as well as the communication received from the Government of India, a summary of which has been given in the *Indian Express* of 21st December 1949; and lay the same on the table of the House;

(d) whether the Government are aware that the Government of India were against the inclusion of the three disputed taluks of Bellary district, namely, Alur, Adoni and Rayadrug into the Andhra Province as it would not be acceptable either to the population of the area concerned or to the Karnatak Provincial Congress Committee;

(e) whether the Government of India had suggested to this Government and appointed Mr. C. M. Agarwalla, Chief Justice of the Patna High Court, as one-man boundary commission to demarcate with regard to the Bellary district;

(f) whether the Government of Madras suggested that there need be no such appointment at all and, if so, the reasons therefor;

(g) whether this Government have received protests and written representations about the inclusion of the three disputed taluks of Alur, Adoni and Rayadrug within the jurisdiction of the Andhra Province;

(h) whether this Government have submitted the said written representations with the annexures attached to them to the Government of India along with its final report for due consideration before arriving at a final decision with regard to the areas to be comprised in the Andhra Province; and

[20th January 1950]

(i) whether the summary of the communication of the Government of India to this Government, given in the *Indian Express* of 21st December 1949, is correct and, if so, why this Government have thought fit to act against the views of the Government of India?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier):—“(a) This Government's final report to the Government of India regarding the formation of the Andhra Province was despatched on the 4th January 1950.

“As all the correspondence between the two Governments on this question is ‘strictly confidential’, the Government regret that they cannot lay a copy of their report on the table of the House.

“(b) Yes, Sir.

“(c) to (f) Please see the latter part of the answer to clause (a).

“(g) The Government have received representations from both sides regarding the inclusion of these three taluks in the Andhra Province. They do not agree that there is any substantial issue involved in respect of these taluks.

“(h) The Government of India are quite aware of these representations and of the views of this Government thereon.

“(i) As regards the contents of the Government of India's letter to this Government, the answer to clause (a) stands.

“As for the latter part of this question, this Government and the Government of India have exchanged views on several issues connected with the formation of the Andhra Province, and the decision rests with the latter Government.”

SRI B. BHIMA RAO :—“Sir, if these reports are confidential, how is it that the *Indian Express* was able to get a copy or a summary of their contents and publish the same in its issue of 21st December 1949?”

THE HON. DR. T. S. S. RAJAN :—“The Government cannot obviously say how the correspondent of the *Indian Express* got a summary of the reports, Sir.”

MR. PRESIDENT :—“I and the House would like to hear the Hon. Premier, who is present in the House, answering the question.”

THE HON. DR. T. S. S. RAJAN :—“Sir, I have taken the responsibility of answering on behalf of the Hon. Premier and (I don't think that the House would be displeased to hear my answering for him. If I am so unpleasant . . .”
(Laughter.)

DR. V. K. JOHN :—“If the answers are correct, we do not mind who answers the question, Sir.”

SRI B. BHIMA RAO :—“May I know what is the final recommendation of the Government regarding these three taluks and about the Bellary district as a whole?”

20th January 1950]

THE HON. DR. T. S. S. RAJAN :—“ I have said, Sir, that this is part of the document to which I have referred in my answer. I cannot give my answer piecemeal, because the whole thing relates to the division of the Andhra Province and these taluks which have been referred to have also been included in that report.”

SRI R. SURYANARAYANA RAO :—“ May I take it, Sir, that the Government, when they introduced a schedule including these three taluks in the Resolution relating to the formation of a separate High Court for the Andhra Province, they did come to the decision that these three taluks should form part of the Andhra Province? ”

THE HON. DR. T. S. S. RAJAN :—“ I am not in a position to give the answer definitely, because, as I have said in my original answer, the whole report is confidential and it cannot be disclosed to the House, Sir.”

SRI B. BHIMA RAO :—“ Did not the Hon. Minister answer on the last occasion that this Government have recommended to the Government of India that these three taluks should be included in the Andhra Province? ”

THE HON. DR. T. S. S. RAJAN :—“ Because they are situated in the undisputed Telugu areas, Sir.”

DR. V. K. JOHN :—“ May I suggest that he has forgotten it? ”

MR. PRESIDENT :—“ I do not see any point in asking a question like this.”

DR. V. K. JOHN :—“ May I know, Sir, when these correspondence which are confidential, will be placed on the table of the House? ”

THE HON. DR. T. S. S. RAJAN :—“ When the Government of India have informed us of their final decision in the matter.”

SRI B. BHIMA RAO :—“ Have the Government received any reply to their recommendations from the Government of India? ”

THE HON. DR. T. S. S. RAJAN :—“ No, Sir.”

DR. V. K. JOHN :—“ May I know, Sir, when the Andhra Province is going to be constituted, if it is to be constituted at all? ”

THE HON. DR. T. S. S. RAJAN :—“ This is a matter that should be referred to an astrologer, Sir.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Government have forwarded all the protests and all the written representations regarding these taluks to the Government of India? ”

THE HON. DR. T. S. S. RAJAN :—“ Yes, Sir.”

DR. V. K. JOHN :—“ Is there any astrologer among the Ministers who could tell us about it, Sir? ”

THE HON. DR. T. S. S. RAJAN :—“ The Hon. Leader of the Opposition may supply one.”

[20th January 1950]

MR. PRESIDENT :—“ Hon. Members are following a wrong line altogether. What the point they want is this. Have the Government any information about the news that was published in the newspapers recently that the Andhra Province question has been dropped and, if so, how far is it correct? ”

THE HON. DR. T. S. S. RAJAN :—“ We have no official information about it, Sir.”

SRI R. SURYANARAYANA RAO :—“ Have the Government reminded the Government of India when a reply could be received, in view of the fact that the D-Day is nearing, which fact they themselves have recognized? ”

THE HON. DR. T. S. S. RAJAN :—“ In reply to the Government of India's correspondence on the subject, we have sent our report and we are awaiting further communication from them, Sir.”

Civil and Criminal jurisdiction of a portion of the Sirugappa taluk.

* 105-B Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether any portion of Sirugappa taluk has been incorporated into the civil and criminal jurisdiction of the Munsif-Magistrate's Court at Adoni and, if so, which portion of the taluk;

(b) whether it is a fact that the said area was within the jurisdiction of the Bellary District Munsif's Court and Subdivisional Magistrate's Court till 31st December 1949;

(c) what the reasons are that induced the Government to make the change of jurisdiction;

(d) whether the Government have received representations from the people of Sirugappa taluk protesting against the change; and

(e) whether the Government have taken any action thereon and, if so, to what effect?

THE HON. SRI K. MADHAVA MENON :—“ (a) Yes. The portion of Sirugappa taluk nearest to Adoni, comprising of villages within the limits of Hachcholi Police station.

“ (b) Yes.

“ (c) With the introduction of the Scheme of Separation of the Judiciary from the Executive, an additional post of District Munsif-cum-Subdivisional Magistrate was created in the district with headquarters at Adoni and hence a re-distribution among the Courts of District Munsif-cum-Subdivisional Magistrates was effected. The portion of Sirugappa taluk which is nearest to Adoni has been attached to the jurisdiction of the new court.

“ (d) Yes.

20th January 1950]

“(e) The matter is engaging the attention of the Government.”

SRI B. BHIMA RAO :—“ Are the Government aware that this portion of the Siruguppa taluk is entirely Kannada and that the people of that portion do not know the Telugu language at all? ”

THE HON. SRI K. MADHAVA MENON :—“ We decided the question of jurisdiction not on the linguistic basis, Sir, but from the point of view of convenience to the parties concerned. It is on this basis that the division of jurisdiction was made.”

SRI B. BHIMA RAO :—“ Is the Hon. Minister aware that the present Munsif-Magistrate who is posted to Adoni does not know the Kannada language at all, and that it is very difficult for him to understand the evidence given by the parties or witnesses from this area? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not think so, Sir.”

Transfer of officers.

* 106 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) whether there is a rule that ordinarily an officer should not be transferred from a place before he completes three years ;

(b) what steps are taken by the Government to satisfy themselves that this rule is observed by the Heads of Departments ; and

(c) whether the Government satisfy themselves that, in respect of officers of various departments whose transfers are made by them, the rule regulating transfers is being observed?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—“ (a) & (b) There is no statutory rule prohibiting the transfer of officers within three years. The Government have however issued instructions to the effect that an officer should not ordinarily be transferred from one station to another within a period of three years and that when an officer has to be transferred earlier in the exigencies of public service, the special reasons for the transfer should be invariably recorded in writing. The Government have also directed that a copy of the order of transfer together with a copy of the special reasons should be forwarded to the immediate official superior of the officer ordering the transfer and that the official superior should satisfy himself that the reasons given are satisfactory.

“(c) Yes.”

[20th January 1950]

Scales of pay in aided training schools.

* 107 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) whether aided training schools are required to adopt the local board scales of pay and dearness allowance at revised rates;

(b) whether the principles governing teaching grants to training schools are the same as those applicable to high schools; and

(c) whether, in the absence of fee income, the Government have considered the desirability of treating the training schools differently from high schools for purposes of teaching grants and grants towards dearness allowance?

THE HON. SRI K. MADHAVA MENON :—“(a) Yes.

“(b) Yes. The scale of grant is the same for aided training and aided secondary schools; but the net cost of maintenance on which the grant is based for the former is assessed more liberally.

“(c) Training schools are already treated differently in the assessment of the net cost of maintenance on which the grant payable is based.”

Proposal to bring certified schools, etc., under the Educational Department.

* 108 Q.—MRS. M. N. CLUBWALA: Will the Hon. the Minister for Education be pleased to state—

(a) whether there is a proposal to bring Certified Schools, Children's Aid Society, and the Sri Sadan Training Home under the Educational Department; and

(b) if so, when this proposed change will take place?

THE HON. SRI K. MADHAVA MENON :—“(a) The Government have under consideration a suggestion that the problem of juvenile delinquency should be handled only by the Ministry of Education in the Centre and the Department of Education in the Provinces and that as a corollary to it, the supervision over juvenile courts and the administration of Reformatories and Houses of Correction should be transferred from the Home Department to the Department of Education or devise some method by which the Ministries of Education in the Centre and the Provinces may be associated with their administration.

“(b) The consideration of the suggestion referred to in clause (a) has been deferred pending the report of the Committee constituted by the Government of India to report on the problem of juvenile delinquency in all the Provinces.”

MRS. M. N. CLUBWALA :—“May I ask the Hon. Minister when that report is expected to be submitted?”

20th January 1950]

THE HON. SRI K. MADHAVA MENON :—" I cannot at all forecast, Sir, because it is a Committee appointed by the Government of India and the Committee had only one meeting, as far as I know."

Filling up of vacancies in the Cadre of Civil Assistant Surgeon.

* 109 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of vacancies in the cadre of Civil Assistant Surgeons reserved for war service candidates and de-reserved for civilians ;

(b) whether these vacancies in both categories were filled up in accordance with the rules prescribed and, if so, what those rules are ;

(c) whether reservation of vacancies was at first discontinued after 31st March 1947, i.e., the date of the official termination of war ;

(d) whether candidates appointed even after 1st April 1947 were considered eligible for de-reserved vacancies ;

(e) whether, in selecting candidates for de-reserved vacancies, the period of temporary service has been taken into account ;

(f) whether any candidate has been selected even though there is no temporary service to his credit ;

(g) whether any posts among the de-reserved vacancies were allotted to specialists and, if so, how many of such posts were allotted and what the special qualifications prescribed for these specialists are ;

(h) whether by ear-marking vacancies for specialists the number of vacancies for those in temporary medical service have been reduced and, if so, to what extent ;

(i) whether rules for normal recruitment of candidates for the Madras Medical Service do not provide for recruitment for specialists to the cadre of Civil Assistant Surgeons ; and

(j) whether any departure has been made from normal rules and, if so, what the circumstances are which necessitated such a departure? 11-15 a.m.

(The President called on the Hon. Minister for Public Health to answer the question, but the Hon. Dr. T. S. S. Rajan did not rise to answer the question.)

MR. PRESIDENT :—" I think the Hon. Premier is responsible for your inattention."

THE HON. DR. T. S. S. RAJAN :—" Not at all, Sir. I am responsible. It is a question which I have got to answer."

MR. PRESIDENT :—" I say that he (the Hon. Premier) is responsible for your inattention."

THE HON. DR. T. S. S. RAJAN :—" It is not at all his fault, Sir. I am at fault."

(Dr. T. S. S. Rajan then answered the question.)

[20th January 1950]

THE HON. DR. T. S. S. RAJAN :—“(a) The vacancies reserved for war service candidates in the cadre of Civil Assistant Surgeons, Class I (Men), and Women Assistant Surgeon, Class I, are 179 and 5 respectively and the vacancies reserved for Civilian candidates are 86 for men and 3 for women.

“(b) The selection of war service candidates was made in accordance with the Madras Medical Service (War Service Personnel) Recruitment Rules, 1945, and that of civilians in accordance with the rules published with Notification No. 174 on page 475 of Part I of the *Fort St. George Gazette*, dated 1st June 1948.

“(c) The reservation of vacancies for war service candidates was made only till 31st March 1947.

“(d) The answer is in the affirmative.

“(e) Only for purposes of computing the age with reference to the age-limit prescribed for recruitment.

“(f) The answer is in the negative.

“(g) Seventy-four posts in the category of Civil Assistant Surgeons—Class I (Men) in the teaching and specialist departments and two posts in the category of Women Assistant Surgeon—Class I in the Gynæcological department were reserved for candidates possessing post-graduate qualifications or at least experience in the concerned speciality.

“(h) The answer is in the negative. Recruitment to the specialists' posts also was made only from among the temporary Civil Assistant Surgeon—Class I.

“(i) The Special Rules for the Madras Medical Service provide for the recruitment of candidates for appointment as Civil Assistant Surgeons—Class I only in certain special departments like Radiology department and the Chemical Examiner's department.

“(j) The reservation of a certain number of posts to candidates possessing post graduate qualification or experience in certain specialities was a departure from the normal recruitment rules. This had to be made owing to the grave dearth of qualified persons for holding posts in Specialist or teaching departments.”

[* 110 Q.—

MR. PRESIDENT :—“The hon. Member Sri P. R. K. Sarma is not in his place. I will take up this question at the end.”]

Udayarpalayam Teacher Murder Case.

* 111 Q.—**SRI B. BHIMA RAO :** Will the Hon. the Minister for Education be pleased to state—

(a) whether the case against Sri B. Venkatachalam Pillai, **M.L.A.**, of Tiruchirappalli, known as “Udayarpalayam Teacher Murder Case” has been withdrawn by the District Magistrate of Tiruchirappalli;

20th January 1950]

(b) whether the Government directed the case to be proceeded with differing from the order of the District Magistrate and, if so, what the reasons therefor are;

(c) whether it is a fact that the Sessions Judge of Tiruchirappalli who tried the case, acquitted all the accused honourably; and

(d) what the total expenditure incurred by the Government is from the stage when it directed the prosecution of the accused to the time of the conclusion of the case ending in acquittal?

THE HON. SRI K. MADHAVA MENON :—“(a) The answer is in the affirmative.

“(b) On the material gathered by the C.I.D., the Government thought that the matter should be placed before a Court of Law for decision.

“(c) It is true that the accused were acquitted.

“(d) Rs. 16,601-8-0.”

SRI B. BHIMA RAO :—“Sir, what made the Government to presume that the order of withdrawal by the District Magistrate was not proper?”

THE HON. SRI K. MADHAVA MENON :—“Certain prior reports and opinions of the District Magistrate were some of the reasons. Secondly the Government on consultation with their legal officers were satisfied that this was a matter which should be placed before a Court and not left to the decision of the District Magistrate.”

SRI B. BHIMA RAO :—“Sir, was the report from the legal officers called for after directing the prosecution to be proceeded with?”

THE HON. SRI K. MADHAVA MENON :—“Not at all, Sir.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether the C.I.D., reports were before the District Magistrate when he ordered the withdrawal of the case?”

THE HON. SRI K. MADHAVA MENON :—“I cannot say, Sir.”

SRI B. BHIMA RAO :—“Is it not subsequent to the order of the Government that the case should be proceeded with, that the C.I.D., investigated the case and sent their report, Sir?”

THE HON. SRI K. MADHAVA MENON :—“Not at all, Sir. The case was proceeded with after the C.I.D. investigation, and the District Magistrate recommended to Government the appointment of a Special Court and a Special Public Prosecutor. It is after the preliminary investigation of the case, the case was withdrawn.”

SRI B. BHIMA RAO :—“May I know, Sir, the date on which the District Magistrate ordered the case to be withdrawn and the date when the Government directed the case to be proceeded with?”

THE HON. SRI K. MADHAVA MENON :—“Notice, Sir.”

[20th January 1950]

JANAB ABDUL LATIF FAROOKHI :—“ Sir, was any explanation called for from the District Magistrate for ordering the withdrawal of the case? ”

THE HON. SRI K. MADHAVA MENON :—“ That is a confidential matter and cannot be disclosed.”

SRI R. SURYANARAYANA RAO :—“ Sir, was not the District Magistrate competent to withdraw the case under the statute? ”

THE HON. SRI K. MADHAVA MENON :—“ In my opinion, ‘no’, Sir.”

SRI B. BHIMA RAO :—“ Sir, was the District Magistrate transferred from his place telegraphically as soon as the news was published that the case had been ordered to be withdrawn by him? ”

THE HON. SRI K. MADHAVA MENON :—“ No, Sir.”

JANAB ABDUL LATIF FAROOKHI :—“ Has he been subsequently transferred, Sir? ”

THE HON. SRI K. MADHAVA MENON :—“ Subsequently number of District Magistrates and Collectors have been transferred, Sir.”

SRI B. BHIMA RAO :—“ In view of the fact that the accused has been honourably acquitted, do this Government consider it a fit case for awarding some compensation to him? ”

THE HON. SRI K. MADHAVA MENON :—“ There is no question of honourable acquittal. I find that the judge has acquitted him. If compensation is to be given in every case of acquittal, the Government cannot get on.”

SRI R. SURYANARAYANA RAO :—“ Sir, do the Government propose to go to the High Court for a review of the judgment of the Sessions Judge, because it has ended in acquittal and according to them the decision is not warranted by facts in their possession? ”

THE HON. SRI K. MADHAVA MENON :—“ It is not a question of review. It is a question of appeal against acquittal. If the Government are advised by their legal officers that it is necessary, and it is in public interests to do so, we may do it.”

Report on the localization of ayacut under the Kurnool-Cuddapah canal.

* 112 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have completed their consideration of the report on the localization of ayacut under the Kurnool-Cuddapah canal;

(b) whether the Government will place the report on the table of the House to enable public opinion to express itself on the proposals contained in the report; and

20th January 1950]

(c) If the answer to (b) is in the negative, what method they propose to adopt in order to elicit public opinion before they pass final orders?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) Yes.

“(b) & (c) The Government have approved the proposal to localise the ayacut under the canal so as to avoid wastage of water under it. A notification will be issued by the Revenue Department inviting applications from the ryots to register their lands as wet or irrigable dry as the case may be. The lands will be registered as per the applications and water-supply to them will be regulated accordingly.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether the Government will make that report available to us by placing it on the table of the library?”

THE HON. SRI M. BHAKTAVATSALAM :—“The Government do not consider it necessary to place it on the table.”

Copyists of Judicial and Revenue departments.

* 113 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received an appeal from the copyists of Judicial and Revenue departments of Rayalaseema to absorb them into regular ranks of public service and treat them as clerks and accord them the same status, salary and privileges as in the case of clerks;

(b) whether similar representations have been received from other parts of the Province;

(c) whether the Madras High Court has recommended their case for sympathetic consideration; and

(d) whether any action has been taken on the said appeals and if so, what decision has been arrived at by the Government?

THE HON. SRI K. MADHAVA MENON :—“(a) During the first and second weeks of March 1949 printed copies of a representation purporting to emanate from the Judicial and Revenue copyists of the Rayalaseema were received.

“(b) Yes.

“(c) Yes, so far as the copyists of Judicial Department are concerned.

“(d) Orders have been passed accepting the following recommendations of the High Court regarding the copyists of the Judicial Department—

(1) that the remuneration of the copyists may be raised from 15 pies for 150 words to 2 annas for 175 words;

(2) that a machine allowance of Rs. 2-8-0 per month may be given; and

[20th January 1950]

(3) that the rate of copying charges may be raised from 3 annas for 176 words to 5 annas for 175 words.

“As regards the copyists of the Revenue Department orders have been passed accepting the following recommendation of the Board of Revenue—

(1) that the remuneration of the copyists may be increased by 25 per cent; that is, from 2 annas to 2½ annas for 176 words;

(2) that a machine allowance of Rs. 2-8-0 per month may be given; and

(3) that the value of copy stamp paper may be increased from 3 annas to 5 annas.

“Subsequent to the preparation of this answer, I may inform the House that the service of the copyists has been made pensionable.”

SRI B. BHIMA RAO :—“Sir, have the Government fixed any salaries for them?”

THE HON. SRI K. MADHAVA MENON :—“We have fixed a particular salary for them in case they go on leave. A flat rate of pension at Rs. 25 per month for 25 years of service has been fixed for copyists.”

SRI R. SURYANARAYANA RAO :—“Do the pension rules apply to the Judicial and Revenue establishment copyists?”

THE HON. SRI K. MADHAVA MENON :—“The orders that have been passed relate to the Judicial establishment copyists.”

SRI B. BHIMA RAO :—“What is the period of service that is counted as eligible for a grant of pension?”

THE HON. SRI K. MADHAVA MENON :—“Twenty-five years have been fixed for the grant of pension, and for lesser periods, proportionate pension will be given.”

Tractors working in the districts.

* 114 Q.—SRI N. SANKARA REDDI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of tractors working in the Province;

(b) the districts in which they are working and the number in each district;

(c) the total acreage ploughed and the income to the Government in each district; and

(d) whether there is any proposal to establish a workshop to repair the tractors in Rayalaseema?

THE HON. SRI A. B. SHETTY :—“(a) The number of tractors working in the Province is 163.

20th January 1950]

“(b) The information is furnished in Part I of the statement laid on the table of the House.

“(c) The total outturn of the tractor during 1948-1949 and 1949-1950 up to the end of October 1949 is given below :—

ACS.

1948-1949	35,569
1949-1950 (up to the end of October 1949) ...	12,414

“The income to the Government during 1948-1949 in each district is given in Part II of the statement^a laid on the table of the House.

“(d) The answer is in the negative.”

SRI M. NARAYANA RAO :—“ Sir, have the tractors been distributed equally between the districts? ”

THE HON. SRI A. B. SHETTY :—“ They have been distributed according to the necessity in each district.”

SRI M. NARAYANA MENON :—“ May I know, Sir, the number of tractors sent to Malabar? ”

THE HON. SRI A. B. SHETTY :—“ Four tractors and one bull dozer, Sir.”

SRI K. MANATHUNAINATHA DESIGAR :—“ Is it not necessary, Sir, that priority should be given to districts in which there is assured water-supply and production also is assured? ”

THE HON. SRI A. B. SHETTY :—“ That matter is considered by the Joint Director of Agriculture, and the tractors are allotted to each district according to the necessities of each place.”

SRI N. SANKARA REDDI :—“ Sir, are not these tractors intended for dry cultivation in dry districts? ”

THE HON. SRI A. B. SHETTY :—“ There is a demand for tractors from all districts.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Government have any idea of the expenditure incurred in the maintenance of tractors in 1948-49? ”

THE HON. SRI A. B. SHETTY :—“ Notice, Sir.”

MR. PRESIDENT :—“ I think the question of the hon. Member Mr. Sankara Reddi is : whether these tractors are useful for cultivating wet lands or whether they are useful only for dry lands? ”

THE HON. SRI A. B. SHETTY :—“ Tractors are used for ploughing operations as well as for levelling scrub jungle.”

SRI N. SANKARA REDDI :—“ May I know, Sir, whether these tractors can be used for wet cultivation? ”

THE HON. SRI A. B. SHETTY :—“ I think so, Sir.”

[20th January 1950]

SRI M. NARAYANA MENON :—“ I see from the statement that only one bull dozer is in Malabar. Will the Government be pleased to tell us whether they are prepared to give any more to Malabar, where there is so much demand for it? ”

THE HON. SRI A. B. SHETTY :—“ We are expecting 78 more tractors. When more tractors are received, we shall be able to supply more tractors wherever they are necessary.”

SRI M. NARAYANA MENON :—“ Sir, my question refers to bull dozers. From the statement it is seen, only one bull dozer is sent to Malabar. We require a larger number. Will the Government be able to supply some more bull dozers? ”

THE HON. SRI A. B. SHETTY :—“ If they are available, they will be supplied.”

DR. V. K. JOHN :—“ Sir, have the Government made an estimate of the tractors required for intensive and extensive cultivation in this Province? ”

THE HON. SRI A. B. SHETTY :—“ Sir, we require a large number of tractors and bull dozers. But on account of the limited finances at our disposal and the difficulty of getting tractors at present on account of foreign exchange difficulties, we are not able to get the required number.”

11-30
a.m.

DR. V. K. JOHN :—“ I am asking whether the Government have any estimate made as to the number of tractors that would be required for our purposes of cultivation.”

MR. PRESIDENT :—“ The answer would obviously be that there is no money.”

DR. V. K. JOHN :—“ Have they made an estimate or not regarding these things? ”

THE HON. SRI A. B. SHETTY :—“ It is very easy to make an estimate but the practical difficulty is in getting the required number.”

DR. V. K. JOHN :—“ I want to know whether the Government have ever gone into the question and made an estimate of the number of tractors required for intensive and extensive cultivation of lands in this Province.”

MR. PRESIDENT :—“ The answer is obviously ‘ No ’.”

THE HON. SRI A. B. SHETTY :—“ According to the approximate estimate made, we have got 80 lakhs of acres of culturable waste in this Province and to reclaim them for cultivation by means of tractors and bull-dozers, a large number of them is required. But as I have already explained, it is not possible for us to get the required number.”

DR. V. K. JOHN :—“ Will the Government consider the advisability of buying tractors and developing lands for purposes of cultivation and then selling these lands on easy instalment payment system to agriculturists? Will they formulate a scheme for that purpose and make a start? ”

20th January 1950]

MR. PRESIDENT :—“ Obviously tractors are purchased by the Government.”

THE HON. SRI A. B. SHETTY :—“ Yes, Sir, the tractors are purchased by the Government.”

DR. V. K. JOHN :—“ But I would like to know whether the Government will consider the question of developing, reclaiming and levelling down lands for the purpose of cultivation using tractors and then selling these lands to agriculturists on easy instalment payment system.”

THE HON. SRI A. B. SHETTY :—“ That matter has not so far been taken up, Sir.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“ May I know of the total extent of wet and dry lands that have been ploughed by tractors in these two years 1948 and 1949? ”

THE HON. SRI A. B. SHETTY :—“ It has already been answered in reply to clause (c) of the main question.”

DR. V. K. JOHN :—“ Instead of taking block grants from the Government of India, will this Government suggest to them that they might spend a few crores of rupees, buy tractors, develop uncultivated but cultivable lands in this Province and then . . . ”

MR. PRESIDENT :—“ I think the hon. Member may put down a Resolution for that purpose. It cannot be a supplementary question. This is an important matter involving finance. The hon. Member knows as much as I that he is making suggestions to the Government and not putting questions to them.”

SRI R. SURYANARAYANA RAO :—“ In view of the disparity seen in the distribution of tractors and bull-dozers and the greater need for them in certain districts like Malabar, will the Government consider once again whether any re-distribution of them could be made on an equitable basis? ”

THE HON. SRI A. B. SHETTY :—“ I have already said that these tractors and bull-dozers are sent to the different districts according to the needs of each place. I do not think it will be possible to distribute them on an equitable basis in all the districts.”

SRI M. NARAYANA RAO :—“ May I know if elephants can be used in the place of tractors? Sir, the other day I read in the papers that in Africa elephants were being used rather than tractors and that they were rendering useful service. Has it been brought to the notice of the Government? ”

MR. PRESIDENT :—“ But what about the cost? ”

DR. V. K. JOHN :—“ Are the Government aware of it and have they considered the matter? ”

THE HON. SRI A. B. SHETTY :—“ I would suggest the hon. Member may try the experiment and communicate the results to the Government.”

[20th January 1950]

SRI M. NARAYANA RAO :—" Sir, is it not the duty of the Government to try the experiment rather than ask a private person to do it? I read in the papers that it is cheaper than tractors."

Mr. M. Narayana Menon rose to put a question.

MR. PRESIDENT :—" The hon. Member must give some reasonable opportunity and time to the Minister to reply. He is more anxious to put questions than to get replies."

THE HON. SRI A. B. SHETTY :—" It is entirely a novel suggestion. I do not understand how elephants can be used instead of tractors."

DR. V. K. JOHN :—" Do the Government own elephants? "

THE HON. SRI A. B. SHETTY :—" The Forest Department owns elephants."

MR. PRESIDENT :—" The point is elephants can also drag. What you want is power. The elephant can supply as much power, even better and more power than the tractors. So, it can be used for ploughing purposes. That is the question."

SRI M. NARAYANA RAO :—" Yes, Sir, we may not depend on foreign dollars or currency."

MR. PRESIDENT :—" The Hon. Minister might have read in the papers."

THE HON. SRI K. MADHAVA MENON :—" That was in relation to drawing timber, Sir."

MR. PRESIDENT :—" I remember to have read some such thing that elephants are being used for the purposes of tractors. A question has been put very seriously that the Government can try the experiment."

THE HON. SRI A. B. SHETTY :—" I cannot say whether elephants can be used with advantage for ploughing purposes. I am not aware of any such use being made of elephants."

SRI R. SURYANARAYANA RAO :—" May I know whether in allotting these tractors and bull-dozers, cultivable waste has been taken into consideration or whether they are allotted according to the whims and fancies of the officer in charge? "

THE HON. SRI A. B. SHETTY :—" According to the needs of each place."

DR. V. K. JOHN :—" Are the Government aware that the general public feeling is Government do not help agriculturists to grow more food by the help of tractors or anything else? "

THE HON. SRI A. B. SHETTY :—" I do not think the hon. Member is correct. There is very great demand for tractors and bull-dozers from every district, but we are unable to supply them."

20th January 1950]

DR. V. K. JOHN :—“ Sir, my question is this. Are the Government aware of the general public feeling that the Government are not effectively helping agriculturists by supplying sufficient number of tractors? ”

THE HON. SRI A. B. SHETTY :—“ Government are helping the agriculturists to the extent they can.”

DR. V. K. JOHN :—“ Is it suggested that the Government are helpless in giving sufficient number of tractors? ”

SRI R. SURYANARAYANA RAO :—“ May I know how the needs of each district are assessed, if not on the basis of culturable waste? ”

THE HON. SRI A. B. SHETTY :—“ I think the needs are assessed on the extent of land that could be reclaimed and the necessity for ploughing lands in particular places.”

SRI M. NARAYANA RAO :—“ Is it not obviously advantageous to encourage ploughing by bulls rather than import tractors? ”

THE HON. SRI A. B. SHETTY :—“ On account of the shortage of labour now and the lower cost at which the lands could be ploughed by means of tractors, people are demanding tractors.”

DR. S. GURUBATHAM :—“ From the figures in the statement laid on the table of the House, it is seen that Tanjore has got 12 tractors and 2 bull-dozers, whereas Malabar has got only 4 tractors and 1 bull-dozer. Tanjore is full of paddy-growing wet lands and if Tanjore could have got 12 tractors, on that calculation Malabar must have more. I want to know whether Tanjore has got more waste lands so as to demand 2 bull-dozers whereas Malabar has got only one bull-dozer. I want to know what is the equitable distribution in this? ”

THE HON. SRI A. B. SHETTY :—“ In regard to these details, I am not in a position to answer. In Tanjore there are many mirasdars and probably they want to use more bull-dozers.”

SRI M. NARAYANA MENON :—“ Does it mean that these tractors are intended only for mirasdars? What about ordinary cultivators? ”

THE HON. SRI A. B. SHETTY :—“ The mirasdars are owners of big tracts of land. They carry on cultivation on a large scale and they require modern machinery.”

SRI K. MANATHUNAINATHA DESIGAR :—“ Have not the Government got more foodgrains from Tanjore by giving larger number of tractors to Tanjore? ”

THE HON. SRI A. B. SHETTY :—“ It may be so, Sir.”

DR. V. K. JOHN :—“ Will the Government at least now make a list of waste lands on which tractors and bull-dozers could be used and then distribute them equitably throughout the Province so that there may be no complaint from any district? ”

[20th January 1950]

THE HON. SRI A. B. SHETTY :—" Taking into account the culturable waste in each district, tractors and bull-dozers will be made available according to its requirements."

SRI M. NARAYANA MENON :—" Was the bull-dozer sent to Malabar for agricultural purposes or for malampuzha purposes? "

THE HON. SRI A. B. SHETTY :—" I do not think I can answer all these questions."

SRI N. SANKARA REDDI :—" Are the Government aware that the low production is due to the tractors being in disrepair always and not working properly so that they could not be used for cultivation purposes? "

MR. PRESIDENT :—" I do not know if the Hon. Minister is aware of it, but I am aware of it."

THE HON. SRI A. B. SHETTY :—" I do not think the tractors are always in disrepair. There are two tractor workshops, one in Bapatla and the other in Coimbatore, and agricultural engineering staff is provided to attend to this work in the various districts."

SRI M. NARAYANA RAO :—" Is any training given to these people before they are put to this work? "

THE HON. SRI A. B. SHETTY :—" Yes, certain people are trained at the Central Tractor Organization at Delhi."

Closure of the Engineering College in the Annamalai University.

* 115 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received representations from the parents of students and others regarding the closure and lock-out of the Engineering College in the Annamalai University :

(b) whether the Government have caused any enquiry to be made regarding the incidents and circumstances leading to the closure of the above college ; and

(c) whether the Government are in possession of the said facts, and if so, whether they will lay a statement relating to the same on the table of the House?

THE HON. SRI K. MADHAVA MENON :—" (a) There is no question of 'closure or lock-out', as the University College is not a factory. The Government have received a representation regarding the postponement of the date of reopening of the College of Engineering and Technology after the Dasara holidays.

" (b) & (c) No enquiry has been made by the Government. The Government understand that the Vice-Chancellor has decided to reopen the College of Engineering and Technology on the 7th December and to readmit students against whom disciplinary action has been taken on certain conditions except six of them."

20th January 1950]

DR. V. K. JOHN :—" In view of the public agitation against what has happened with the Annamalai University, will the Government have an inquiry instituted on the events that led to the closing of the college and classes? "

THE HON. SRI K. MADHAVA MENON :—" The public agitation has been on the indiscipline of the students which has to be stopped and not about the action of the Vice-Chancellor."

SRI B. BHIMA RAO :—" Is it not the duty of the Government to cause an enquiry to be made why the college has been closed and find out what the doings were that led to its closure and what the facts really are? Is it not their duty to enquire into this expeditiously, for the students are losing their study for about three months? "

THE HON. SRI K. MADHAVA MENON :—" The college has been reopened on the 7th December. I have already said so. Apart from that, the Government are more anxious to get full information about this matter. From the report of the district officers as also the report of the Director of Public Instruction, it is felt there is no necessity to cause an inquiry and the Government are satisfied that the Vice-Chancellor's action was right and the postponement of the opening of the college was quite necessary."

DR. V. K. JOHN :—" Are the Government aware of the public feeling that the authorities have been too harsh upon the students? "

THE HON. SRI K. MADHAVA MENON :—" Not at all; on the other hand, I feel that the authorities have been too generous in the matter."

DR. V. K. JOHN :—" I am not asking what the feelings of the Minister are. I am asking whether the Government are aware of the public feeling that the authorities have been too harsh upon the students."

THE HON. SRI K. MADHAVA MENON :—" I was reflecting the public feeling when I said that the authorities have been too generous."

Report regarding the working of the Government Press.

* 110 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri P. R. K. Sarma): Will the Hon. the Minister for Education be pleased to state—

(a) whether the Committee appointed by the Government to enquire into the working of the Government Press has finished its labours and submitted its report;

(b) if the answer to (a) is in the affirmative, what the recommendations are and what action has been taken or is proposed to be taken on the same; and

(c) whether a copy of the report will be placed on the table of the House?

THE HON. SRI K. MADHAVA MENON :—" (a) Yes.

[20th January 1950]

“(b) & (c) The report is under consideration of Government and is treated as confidential.”

11-45
a.m.

SRI R. SURYANARAYANA RAO :—“ Will the Government publish the report when they come to a decision on the recommendations? ”

THE HON. SRI K. MADHAVA MENON :—“ When it is no longer confidential, it will be published if necessary.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTION *RE* THE REGULATION OF ELECTRIC SUPPLY FOR AGRICULTURAL PURPOSES.

MR. PRESIDENT :—“ I have received notice of an adjournment motion from Sri Narayanaswami Nayudu.”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I would suggest that the hon. Member may ask for leave to-morrow. If you permit me, I will make a short statement after question time and I hope it will satisfy the hon. Member, and he may not ask for leave.”

MR. PRESIDENT :—“ The suggestion is that the Hon. Minister will make a statement and on that statement if the hon. Member wants to press for his motion, he can do so.”

SRI B. NARAYANASWAMI NAYUDU :—“ I agree to it. May I know whether this motion will stand or whether I will have to move it again to-morrow.”

MR. PRESIDENT :—“ The hon. Member may move it to-morrow.”

III.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House that I have received a message from the Hon. the Speaker of the Madras Legislative Assembly, dated the 12th January 1950—

‘ In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Assembly on the 12th January 1950, and signed by me for the concurrence of the Council ’.”

IV.—ANNOUNCEMENT BY THE PRESIDENT.

Visit of the Speaker of Central Assembly.

MR. PRESIDENT :—“ I wish to inform the House that Sri G. V. Mavalankar, Speaker of the Central Assembly, is visiting this House to-morrow at 11 of the clock. I have to request all the hon. Members to be present in as large numbers as possible so that we may be able to present a full House to him, and especially I may request the Hon. Premier and other Ministers to be present.”

THE HON. SRI K. MADHAVA MENON :—“ And make the question hour as interesting as possible.” (Laughter.)

20th January 1950]

V.—GOVERNMENT BILL.

THE MADRAS VILLAGE PANCHAYATS BILL, 1949

(L.A. BILL NO. 22 OF 1949).

* THE HON. SRI K. CHANDRAMOULI :—“ Mr. President, Sir, I move—

‘ that the Madras Village Panchayats Bill a, 1949 (L.A. Bill No. 22 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.

“ On 30th June 1949, when I moved this House for setting up a Joint Select Committee to consider the Bill I dealt at length with the need for bringing forward this long awaited legislation. The basic principles and policies underlying the Bill are to revitalise the panchayats and make them autonomous and self-contained units of local administration enjoying the independent powers in all matters relating to village life and rural economy limiting outside control as far as possible consistent with efficiency and integrity in working. The Bill in its original form has undergone some changes both at the Select Committee and at the Legislative Assembly. I will now refer in brief to some of the salient changes that have been made.

“ *Reservation of seats.*—Representation of minority communities and women was provided in the Bill by means of co-option. It was generally felt that such a system would perpetuate communal divisions and by that method democracy in villages would be greatly hampered. It was accordingly given up. But having regard to the wishes of the Harijan representatives, and the special recognition given to the Harijans under the Indian Constitution Act, reservation of seats for the members of the Scheduled Castes has been made for a period of ten years. I hope that the Harijans themselves will come forward and give up this reservation even at an earlier date.

“ There is also the exclusion of the village headman. The Bill provided for the association of village headman on panchayats as ex-officio member without the right to vote on the ground that his experience of village affairs would be useful to the panchayat. In deference to the wishes of a large number of members in the Assembly, this clause also was not calculated to the efficiency or smooth working of panchayats, this provision has been deleted. Provision has been made to enable the Inspector to appoint such engineering staff as may be necessary for a panchayat or a group of panchayats. Under the new scheme a large number of panchayats will come into being. As the Inspector will not be able to supervise the administration of these panchayats singlehanded, provision has been made for the appointment of regional inspectors and inspectors to assist him in his work. A great deal depends upon the guidance which those supervisors give to the panchayats, especially in their infancy. I reiterate what I have stated elsewhere that utmost care will be taken to see that the interference

[Sri K. Chandramouli] [20th January 1950]

of the Inspector and his assistants in the administration of the panchayats will be directed only towards the advancement of those small democracies on proper lines for fostering their initiative.

“Augmenting resources.”—It is necessary that panchayats should develop enough resources to discharge their responsibilities for improvement of village. With this end in view, two more items of levy of duty on transfers of property, viz., exchange of immovable property and perpetual leases of such property have been added to the items of statutory income. The levy of a fee on commercial crops such as groundnut, cotton, tobacco, etc., bought and sold in the village has been added to the list of optional taxes, in the place of the levy of a cess on entry of goods in the village, which would hit the poor villager.

“Another means of increasing the resources of the panchayats is by the provision made for discontinuance of private markets in panchayat areas, except those the income derived from which is used for religious, charitable or educational purposes. Panchayats will set up their own markets in the place of prohibited private markets.

“Entrustment of judicial functions to all panchayats.”—The Bill originally provided for vesting judicial functions in bigger or class I panchayats to begin with. As the scheme is likely to be more successful in smaller panchayats where communal divisions are less marked, provision has now been made for entrustment of these functions to all the panchayats.

“A good deal of attention was focussed in the Lower House on the provision regarding the election of president by the entire electorate in the village instead of by members as at present, and the appointment of executive officers. Apprehensions were raised in regard to direct election of president that it would seek to create faction between members and the president who does not owe his position to the members and that the smooth working of the panchayat will be greatly jeopardised. May I ask, Sir, is there no friction now between the President who is elected by the members and the members? So long as the party system is in vogue, there is bound to be opposition and competition. But such competition and opposition should be directed on healthy lines and this depends upon the outlook of the people. The virtue of direct election of president is that it will bring the villagers together to close up their ranks and elect a local leader. Particularly in the interests of minorities this is a salutary provision, for it will make them combine together to express their choice of a local leader. It is my firm conviction which has been shared by several hon. Members here and elsewhere that this system will serve to obliterate class or caste distinction in villages and help to secure village leadership which was a marked feature in our ancient villages. He will be a healthy link between the people and the higher authorities of the Panchayat administration.

“As regards the power of appointment of Executive Officers vested in Government, it has been stated by some that it will be used to negate village autonomy and that the President who is

20th January 1950] [Sri K. Chandramouli]

elected by the entire village should not be distrusted in carrying out the functions properly. I may at once tell the hon. Members of this House, that nothing is farther from the intention of Government than this. I assure them that the appointment of Executive Officers will be made only to bigger panchayats where the honorary president cannot bestow his full time for carrying on the administration and to panchayats the administration of which is not carried on properly and which can afford to pay an executive officer. Surely in any system, there are bound to be lapses and suitable safeguards have to be provided to meet them. The appointment of executive officer is intended to be a corrective against lapses in the administration of panchayats. It should be clearly understood that in any case the Executive Officer is there only to carry out the resolutions of the panchayat and the day to day administration according to the behests of the panchayat. So it cannot be said that the appointment of Executive Officers to panchayats is a negation of democracy; it is to help panchayats to carry on their administration efficiently.

"The Bill has been conceived to make the administration of panchayats broad-based. The clauses have been drafted with due regard to the suggestions and criticisms received from various associations and individuals interested in the panchayat movement, calculated to secure the rehabilitation of villages. With these few words, I move that the Bill as passed by the Assembly be taken into consideration."

MR. PRESIDENT :—"The question is—

'that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Legislative Assembly be taken into consideration at once'."

SRI B. BHIMA RAO :—"Sir, I want to say a few words."

MR. PRESIDENT :—"May I know from both sides of the House how much time they want to devote to this Bill?"

DR. V. K. JOHN :—"Sir, we are not moving any amendments, because we know that our amendments will not go through, but we would like to speak at length on the general principles underlying this Bill."

MR. PRESIDENT :—"I would like to say few words tomorrow on the attitude which the Opposition has evinced in their desire not to take part in these matter. After hearing my views if they have the same attitude that is a different matter. But I expect that there will be a change, and if there were any amendments. I am prepared to allow some amendments even tomorrow. But apart from that I would like to know what time the hon. Members would like to have either for general discussion or for amendments. I may tell the House that I have no desire to curtail the discussions—either on amendments or on the general principles."

DR. V. K. JOHN :—"I think we can get through this Bill today and tomorrow."

[20th January 1950]

* SRI B. BHIMA RAO :—" Sir, I wish to say a few words on this important measure. I must confess that I am one of those who is sceptical and even pessimistic with regard to the extension of adult franchise and the constitution of panchayats on that basis. But when we refer to the speeches of Dr. Ambedkar and Dr. Rajendra Prasad, President of the Constituent Assembly, before adjourning the Constituent Assembly to the 24th and 25th instant. I may take credit for being one of those who feel that whatever our personal views may be we have to subordinate them to the opinion of the leaders for whom I have the highest regard and greatest respect.

12 noon. " They have launched upon this wide programme of having elections on adult franchise and the same principle is to be applied in the case of election of presidents and vice-presidents and members of the panchayats to be constituted under this measure. When the Bill was published early in June last year, I consulted several of my constituents who returned me to this Council thirteen years ago, with regard to certain of its provisions; for instance, I consulted them with regard to the power of registration conferred on the president by this Bill and everyone of them said ' kindly do not have this applied to my district '. I am very sorry to mention the fact, Sir, that although there are about 975 villages in my district of Bellary, most of them are factious. About eight years ago when most of you were in jail, the Advisers' Government wanted to constitute at least half a dozen villages in every district into model villages in which they could have dispensaries, neatly laid roads, elementary schools and so forth and the then Collector of the district—he is unfortunately no more now—he died of heart-failure at Ootacamund—reported to the Government that there was absolutely no village in Bellary which was free from faction and party politics. He also mentioned this fact to me and said, ' if there are some villages in the district where there are no factions please give a list to me of a dozen such villages '. Sir, I consulted thereupon some of my friends and with very great difficulty gave a list of six villages out of 975 where the scheme of model villages could be tried

SRI R. SURYANARAYANA RAO :—" May I know whether in the list of the hon. Member was included Belladonna."

SRI B. BHIMA RAO :—" I did not include that village because it is highly factions and at that time there were some murder cases in that village. (Laughter.) Finally, Sir, that scheme was applied by the Government to only two villages in Bellary district and in only one of them it has been successful. I was present in the Legislative Assembly on the 5th and 6th of this month when this measure was being discussed there. The Members there wanted that the original clause 8 should be deleted which provided for the patel or headman of every village becoming an ex-officio member of the panchayat constituted for that village but not entitled to vote at the meetings of the panchayat. I was keenly watching the proceedings on both these days and found a number of Members recounting their experiences in the villages wherein the Reddi stands on one side

20th January 1950] [Sri B. Bhima Rao]

and the karnam on the other and in between them the village becomes factious with the result that they resort to litigation, civil and criminal. The Members with one voice demanded that that clause should be deleted and my Hon. Friend, the Minister for Local Administration acceded to it. Now the village headman and the karnam are out of the field and I believe the working of these panchayats will be more smooth. But still there are certain suggestions which I would like to make for the better working of the panchayats. Sir, I would suggest to the Hon. the Minister that the procedure laid down in clause 3 of the Bill may be more amplified before taking action under clause 4 of the Bill as it has now emerged from the Assembly, in constituting panchayats. In other words, fuller instructions may be given to the Inspector who goes to the villages to make enquiries as to the desirability of constituting any village into a panchayat under the Act. He must be asked, if a village is so faction-ridden as to be unsuitable to have these panchayats, to report to the Government that the Act should not be applied to that village and that it should not be constituted as a panchayat. But, Sir, I find that clause 4 is a very very mandatory one. As soon as a notification is made, the clause provides, a panchayat shall be constituted for each village with effect from the date specified in that behalf in the notification issued, that is under section 3, sub-section (1) of the Act. I submit that if the preliminary enquiry by the Inspector reveals the existence of factions in a particular village, that village should be exempted from the provisions of this Bill, if it is not possible to get rid of the factions. It would be better if the Act is not made applicable to these villages in the interests of the villagers themselves. For when such an enquiry is held and the decision as I have mentioned just now is taken, I think it is possible that the parties may come together in course of time and put forth a joint demand for the introduction of the measure. Sir, you might be aware that often when security proceedings are launched under section 107 of the Criminal Procedure Code, a better sense comes to prevail among the villagers, they come to terms and file petitions before the District Magistrates for withdrawing all the cases saying that they have composed their differences. So also here, seeing that there will be better amenities for them if they only compose their differences and give up factions, the villagers may come together. It is quite possible and it is very likely also that, when the Inspector goes to the village and makes a preliminary enquiry in this direction, the villagers may make a statement signed by them before him that they have given up all their quarrels and that this measure should be made applicable to their village also. Therefore, Sir, I submit that in this respect fuller instructions should be given by the Government to the Inspector to make a complete and thorough enquiry before a notification is made.

“ Now, Sir, I would like to make a few observations with regard to one or two of the other clauses. I have proposed an amendment in this connection which, if there is a satisfactory response from the Hon. the Minister, I do not want to press. Sir, one clause which created consternation in my district among the intelligent

[Sri B. Bhima Rao] [20th January 1950]

constituents to whom the various clauses were read out, is clause 133 wherein certain provisions of the Indian Registration Act, 1908, are sought to be made applicable to these panchayats, and the presidents have been empowered to register certain documents. The original sub-clause (a) of this clause read like this:—

‘ 133 (a) . . . stamp duty or registration fees ’.

Now it has been amended as ‘ stamp duty and registration fees ’. That is to say, under the original clause, even wills could be registered by these presidents or other executive officers. You are aware, Sir, how in factious villages wills spring up immediately after the death of a wealthy man attested by a number of persons—10 or 15—which number itself will throw suspicion upon the authenticity of the will. Such a document was sought to be registered by the president or the vice-president or the executive authorities under the original clause. Naturally people were apprehensive that such powers should be conferred on these authorities. Now the expression ‘used is ‘and’ instead of ‘or’ which found a place in the original clause, and this is due to an amendment proposed by my Hon. Friend, Mr. Chandramouli, during the Select Committee stage. I have been racking my brains for the last three or four days to find out if there is any document which is both exempt from stamp duty and registration fees. Although the Stamp Act provides for a number of exemptions from payment of stamp duty yet there is absolutely no provision in the Indian Registration Act granting exemption from payment of registration fees. Even if the Government present a document for registration, they may not be subject to stamp duty but they must pay the registration fees. I do not know, therefore, what documents the Hon. the Minister refers to in sub-clause (a) of clause 133. I have also consulted some registration authorities and they inform me that there is no document which is both exempt from stamp duty and registration fees. If there is, however, any such document, it may be expressly laid down rather than giving powers to the president or the vice-president who has not got adequate knowledge of law to interpret whether any document comes under that category. Even the High Courts are differing with regard to the registrability of some documents. In the case of mining leases, the Bombay and the Allahabad High Courts have held that the Government are bound by the provisions of the Registration Act and that those documents must be registered but the Madras High Court holds otherwise. When such is the case, I wonder how a village panchayat president can determine which document comes under this category. I think Sir, in order to remove any doubt or difficulty, the draftsman of this clause ought to have specifically and expressly mentioned a list of documents in an annexure or in a separate schedule which the panchayat could register.”

MR. PRESIDENT :—“ Perhaps the idea of the Government is to do it under the rules.”

12-15
P.m

SRI B. BHIMA RAO :—“ It would then come under the category of the mischief of delegated legislation. Clause (b) speaks of ‘ all or any documents which are classified by rules made under

20th January 1950]

[Sri B. Bhima Rao]

this Act, as documents of an ephemeral nature.' If clause (a) also refers to such a procedure as clause (b), then clause (a) is quite redundant. If only clause (b) is retained, it will come within the mischief of delegated legislation. We have had so many rulings of the Federal Court and the other courts last year wherein they have condemned delegation by legislature to the Government to make a list of subjects in which powers can be exercised, which only a legislature can perform. With regard to this clause I have moved an amendment that the whole clause may be deleted, because it is very difficult for the ordinary president of a panchayat board to comprehend the nature of these documents and we cannot leave it to the rule-making power of the Government.

" Similarly, Sir, with regard to clause 138, where the Government want to take power to decide questions of difficulty, I have proposed an amendment that instead of the Government it should be—

' a committee of the Legislature, consisting of eleven members, to be annually elected by them, of whom the Minister for Local Administration shall be one and be the Chairman thereof.' And then, I have also provided that—

' A report of the action taken by the committee, shall be laid before the Legislature at the next meeting after the decision, for their approval.'

That would remove any difficulty or objection on the ground that it is delegated legislation. With these remarks, I support the measure. The Hon. Minister may consider these difficulties and resolve them before the Bill is finally adopted."

* DR. V. K. JOHN :—" Mr. President, Sir, this is a very important measure which touches all villages, 54,000 in number. There are now 7,200 panchayats out of which 374 are major panchayats. They are also going to be affected. I do not think that any measure which has come before this House till now is so important as this in touching the lives of the people in the villages. But I find that all the Ministers except one are absent from this House and even the attendance of members on the Congress benches is very poor. We have probably only as many members on that side as on this side of the House. Sir, I do not regret that Ministers are absent from this House, because as I have said recently and as I emphasise it again, this House is a mere post office and they do not care what discussion takes place here, what suggestions are offered and what criticisms are made in this House. Therefore I do not regret that Ministers are not here now although you made an appeal to them that, tomorrow morning when the Hon. Speaker of the Central Assembly will be here, they may be present here. To treat this House in the manner the Government have been treating it, is very bad indeed. That is why, Sir, you have referred to . . ."

[20th January 1950]

MR. PRESIDENT :—“ Before the hon. Member proceeds further, may I ask him to tell me if he thinks that more Ministers should be present here now? ”

* DR. V. K. JOHN :—“ While a measure which touches the life of every individual in these 54,000 villages is under discussion here, every Minister, if he is interested in the public welfare and in the proceedings of this Council, should be present here. If not, the usefulness, the dignity and the prestige of this House are at stake.”

MR. PRESIDENT :—“ With regard to this point, I do not know even in the other House all the Ministers were present.”

THE HON. SRI K. MADHAVA MENON :—“ Only the Minister concerned was present there.”

MR. PRESIDENT :—“ Let not the hon. Member therefore proceed in that strain. If any difference is shown between this House and the other House, then it is a different matter. In both the Houses, the concerned Minister has been attending. If really the hon. Member wants any other Ministers to be present, he may tell me.”

* DR. V. K. JOHN :—“ It would then be arguing in a vicious circle : Ministers are not present in the Upper House because they were not present in the Lower House and vice versa. But I ask, Sir, in regard to a measure which affects the lives of men, women and children in 54,000 villages, should not all the Ministers be here? If they think that some useful suggestions and criticisms will be made on the floor of this House, they ought to be here, but if they simply think that it would be one or two days wasted, they need not be here. It is not because the Ministers are not in the City; they are in the City. I used to regret the absence of Ministers before and request you to call them to attend the House. The prestige, dignity and the usefulness of the House are at stake. I have repeated several times that Ministers should not treat this House with scant courtesy by their absence when such an important measure is being discussed. I stop with that.

“ Sir, this is a very important measure. While I congratulate the Hon. Minister on his good intentions and knowing him as I do, his intentions are sincerely expressed,—I regret to say that this measure does not in the least carry out the intentions which he expressed in his speech or the intentions of the framers of the Constitution of India. Article 40 of the Constitution laying down the directive principles of state policy states that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of Self-Government. The Government should have copied or adapted the provisions of this constitution in framing their Panchayat Bill. Now India has become a free country and a self-governing country. The provinces (or the states as they will become after the 26th instant) are given a large measure

20th January 1950] [Dr. V. K. John]

of autonomy. Similarly the villages also should be made units of Self-Government. The Indian Constitution should be adapted or copied for framing the constitution of the village panchayats, but instead of that they have copied the City Municipal Act, the District Municipalities Act and the Local Boards Act and copied them in a manner which has destroyed Self-Government in the villages. If they had the same intelligence, the same idea, ideology and the principles before them, they should have constituted the panchayats as self-governing units with a council of 25 or a smaller number of persons, with Ministers or men taking their place and doing the work of Ministers—Ministers for Education, for Public Health, for Industries and so on—just as we have in the provincial administration. That is what they should have done. These people will be responsible to the Council. The law will be regulated by the Council. Then we would have given effect to the directive principles of the Constitution of India of which we should all be proud. But what have the Government done here? Is there a Minister for Public Works or a Minister for Education or a Minister for Industries in these panchayats? There is the executive officer appointed by the Government. The Government can exercise their patronage and appoint 20,000 executive officers. Any one who has read article 40 of the Constitution of India will be sorely disappointed when he sees how the Government have gone against the very principle, the very idea and the ideology of article 40 of the Constitution of India. The genius of our people, in ancient times, before the foreigners came to our country, expressed itself in village republics. Historians have recorded the efficiency, the prestige and the high stature of the village republics. The foreigner came here and he reduced all that to nothing. Now our government has come and the framers of our Constitution have said that we must have real autonomous villages just like autonomous provinces (or states). For that purpose, the first thing that is required is a free election where all adults will vote and elect members for a Council or Assembly or Parliament of the village, whatever you call it. They will legislate for the village. There will be a Cabinet responsible to that Council for administering the affairs of the village. But what is the definition of a panchayat given in this Bill? It says—

“ ‘ Panchayat ’ means the body constituted for the local administration of a village under this Act.”

Can insincerity go further? I do not call it ‘ dishonesty ’. Does the panchayat administer the village at all? It is the executive officer appointed by the Government who does it. It is the Inspector of Local Boards or the Minister of the Government sitting here in Madras who administers the panchayats. I challenge every member on the other side of the House; I challenge the Hon. Minister. After I remarked that only one Minister was present here, another Minister has come in and I ask him ‘ Is it not merely a measure to tax the poor people in the villages? Is not the primary object of this Bill to tax the poor people in the village? ’ Why? Simply because you have exhausted your sources of taxation.

[Dr. V. K. John]

[20th January 1950]

12-30
p.m.

This province has got the notoriety of being the most highly taxed province not only in India, it is perhaps the most highly taxed province in any part of the world. You have exhausted your resources and therefore you have now taken to the idea of collecting taxes from the poor people in the village. Clause 63 of this Bill says: 'Every panchayat *shall* levy in the village a house-tax, a profession-tax and a vehicle tax'. Again, sub-clause (2) of the same clause says: 'A duty *shall* also be levied in every village on certain transfers of property in accordance with the provisions of section 67'. Again, *shall* levy. The bureaucratic British, foreign Government did not go to that extent. What did they say in the City Municipal Act? Section 99 of the City Municipal Act says: 'The council *may* levy a property tax, a tax on companies, a profession tax . . .'. It is left to them to levy it or not. The Local Boards Act in section 75 (1) says: 'The District Board may, by a resolution, determine that any of the following taxes shall be levied'. There also '*may*'. Section 78 (1) of the District Municipalities Act says: 'Every municipal council *may* levy a property tax, a profession tax,'—so, even here '*may*'. Do you call it Self-Government when the panchayat has no option to levy or not to levy a tax? That option which was given under the previous Acts passed by the Britishers is denied to these panchayats now, which they say are self-governing institutions. Sir, we have heard in political history that the people in England fought the Parliament saying 'you cannot have tax unless there is representation'. Here, who is the person to impose this tax? In a self-governing unit, it is that unit itself which ought to levy the tax. But here in this Bill you find '*shall* levy a tax'. What will happen? You will be collecting as much money as you can from the villagers and you will be spending it there itself without discharging the responsibilities which the Government of this province have been discharging up to this time. You are now taking away those responsibilities in regard to roads, in regard to health, education and everything else, and you are collecting taxes from these poor villagers. In this province, the attempt is made by this Government to make every man a tax-payer and every other man a tax-payer and a tax gatherer. In this attempt, which I would call a nefarious attempt—by introducing what is called a local self-government measure, they have provided that the tax is compulsory in the villages. And who wants this Act in the villages? The villagers will never want it; this is the most unpopular Act which will be on the Statute Book, the people in the villages are not given the freedom to levy or not to levy a tax, nor to prescribe the maximum or the minimum amounts; it is the Government which will prescribe them. And yet you want to call these self-governing institutions.

"Another provision which is meaningless which puts a premium on collecting the full tax is clause 71 which says: 'the Government shall set apart every year a sum not being less than twelve and a half per cent of the total land revenue (including water-cess) collected in the province during that year and distribute such sum in the prescribed manner as grants to Class II

20th January 1950] [Dr. V. K. John]

panchayats on the basis of their population'. And according to clause 5, Class I panchayat is one 'with jurisdiction over a population estimated at not less than five thousand and with an estimated annual income of not less than ten thousand rupees' and all the other panchayats are Class II panchayats. Can anybody with any intelligence think of introducing a provision like the one we find in clause 71? This is a thoughtless piece of legislation from many points of view. It is not local self-government at all. If you have allowed the panchayats the option to impose or not to impose any tax, surely they will sound public opinion and find out what taxes are popular and what taxes are unpopular and what taxes can easily be collected and then they will decide. But now you compel them to collect various taxes by legislation, not at their option, although the municipalities, the local boards and the City Council are all given the option now and they are still exercising that option. The Hon. Minister tells us: 'Oh, we are introducing local self-government'. This is self-government to an institution which has not got the option or freedom to levy a tax or to fix the maximum and minimum!

"Now let us look at the other clauses of this Bill which is acclaimed to be a local self-government Bill. Sir, I was told, and I read in the papers that a chorus of tribute was paid to the Hon. Minister on introducing this Bill, at the end of the discussions in the other House. In spite of the fact that I am a good friend of the Hon. Minister, I am sorry, Sir, I cannot share in that chorus of tribute paid to him. For, look at these self-governing institutions. Who is to administer this institution?—the executive officer, a whole-time executive officer appointed and paid by the Government. Clause 28 says: 'A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf'. Why by the Government, I ask? And yet why call it a self-governing institution? Are the Ministers of this Provincial Government to be appointed by the Central Government? After all, they are also our Government; and in that case, will we have any self-government? The question is: 'are you going to have units of self-government?' Then, I say you must leave everything to the self-governing institution."

SRI S. B. ADITYAN:—"In small panchayats, the presidents will be the executive officers."

* DR. V. K. JOHN:—"My friend the Government Whip says that in small panchayats the presidents are executive officers; but according to population and income—who appoints the executive officer? I think my friend is a very good advocate for the Government."

"And so far as the executive officer is concerned, let us look at his functions. The Hon. Minister read something from typewritten notes this morning and I heard him say that the executive officer is only to carry out the directions of the panchayat. But has he read through clause 30 of the Bill and the various powers given

[Dr. V. K. John] [20th January 1950]

to the executive officer under clause 29? If you read carefully, you will find that the executive officer is the one man who is given power to administer the panchayat, not the president who can be removed by the Inspector or by the Government whenever they like. It is only the executive officer who has got the authority, the power, the function and the responsibility to carry on the administration of the panchayat, and he is appointed by the Government. Why by the Government, I want to know; probably because this Government think there may be twenty thousand persons to be appointed, why not exercise the patronage and why leave it to the panchayat? And yet, you call it a self-governing institution, you publish it all over the world, you tell the newspapers and say that leaders also should be written! That is how the Madras Government have introduced this Bill to make panchayats self-governing units; but what is it that will happen? Their own men will manage everything, the men whom they will appoint. Yet, the Hon. Minister tells this House that the executive officer will only carry out the instructions of the panchayat. Let him study the clauses of this Bill carefully if he has not already done so. The executive officer is a man who although he has to carry out the decisions of the panchayat can still report to the Government and need not carry out the decisions of the panchayat in all matters; he is the man to carry on the administration." (At this stage, the Speaker had some consultation with Sri Narayanaswami Nayudu.)

SRI S. B. ADITYAN :—"Is it in order, Sir, for the hon. Member to interfere in the course of a speech?"

MR. PRESIDENT :—"The hon. Member was telling the Doctor something."

DR. V. K. JOHN :—"I do not take it as an interruption, Sir. A member of my party made a suggestion; he asked me a query and wanted to point out a clause to me; I do not think it is an interruption at all; but the Whip is interrupting me. I am not at all moved by that."

MR. PRESIDENT :—"I do not want any interruptions when a member is speaking. There is a definite rule that unless it affects a member or something particular by way of personal explanation is necessary no interruption should be made. Every member has got the right to speak and an opportunity will be given to him. It is better we do not interfere with speeches."

THE HON. SRI K. MADHAVA MENON :—"Even in Parliament, interjections are allowed."

MR. PRESIDENT :—"Interjections are different."

* DR. V. K. JOHN :—"I am glad the Chief Whip will have an opportunity to speak. Now that you have assured him, I think he will not worry when I am speaking."

20th January 1950]

[Dr. V. K. John]

“ Now let us take the establishment required; who is to appoint them? Again the Government, i.e., the Inspector of Local Boards who has got every power; he can even dismiss the president. Under the chapter ‘ Control ’, the Inspector shall supervise the administration of all panchayats in the province, i.e., under clause 42. Sir, I do not want to take up the time of the House in going through all the clauses; but you will find that the person who has full authority in respect of almost everything is the Minister or the Government, or their own officer, the Inspector of Local Boards or the men appointed by the Government as executive officers or as staff. In other words, the Government will appoint thousands and thousands of officers and exercise patronage; and yet they call the panchayats ‘ units of self-government ’.”

MR. PRESIDENT :—“ Does this Bill call them units of self-government? ”

* DR. V. K. JOHN :—“ A panchayat is defined as a ‘ body constituted for the local administration of a village under this Act ’; it is a false definition and a court of law will say this is not a definition which is borne out by the provisions.”

MR. PRESIDENT :—“ Evidently the Government have not taken up the work of forming units of self-government; it is only local administration.”

* DR. V. K. JOHN :—“ I remember the Hon. Minister saying that the object was to have autonomous units of administration; and I have made a note of it, with great regret that one who is responsible for this Bill, should make a speech which is only for the Press. A Government may live on promises and propaganda, but this kind of propaganda when a Bill is introduced and when we know what this Bill is . . . ”

THE HON. SRI K. MADHAVA MENON :—“ Are the speeches of members not meant for the Press? ”

* DR. V. K. JOHN :—“ Is he speaking for himself or for somebody else? ”

THE HON. SRI K. MADHAVA MENON :—“ If it fits him, let him take it, Sir.”

* DR. V. K. JOHN :—“ I do not see, Sir, why my friend should get out of temper. I am smiling, smiling through life and smiling through my speech. I say the Hon. Minister who is supposed to have read these provisions and who is sponsoring this Bill, said in introducing the measure that these will be autonomous units of self-government without any control from others. I think, Sir, you may ask him to re-read what the sections say about it. If you look through the provisions of the Bill, clause by clause, you will find that every attempt is made—and no

[Dr. V. K. John]

[20th January 1950]

attempt could have been more successful—to make these panchayats, not units of self-government, but humble small departments of the Government of this Province, controlled by them, ruled by them, limited by them in their powers; and these panchayats are defined in a wrong way in the definition section.

12-45 p.m. “ Now, after the passing of the Constitution of India, particularly Article 40 dealing with the directive principle of State policy, how dare the Government of Madras introduce a Bill before the Legislature creating panchayats but taking away every power of self-government from them? I ask, is such a measure in keeping with the Constitution of India which they ought to follow? I know it was brought before us last year, but still they could have amended it. They did not do that. If you look at it from every point of view, whether it is administration, taxation or removal of president or any thing else, you will find outside control and then compulsion. The panchayats will only be made tax-gatherers. To do what? To discharge the responsibilities that lie on the Government to-day. Again, what are the Government contributing to these panchayats? I ask the Minister to make a list of the responsibilities which the panchayats are compelled—I use the word ‘compelled’ because there is no option left to them to discharge under this Bill, and then find out the expenses incurred for discharging those responsibilities which the Government have to discharge. Then, why not the Government say they are discharging responsibilities to the extent of 20 crores and we must pay out to them 20 crores. But, instead of that they say, if you collect Rs. 10,000, we shall pay no contribution at all, but if you collect less than Rs. 10,000 we shall pay you contribution and the extent of the contribution is left with us and not with you. Then, how can the newly-born panchayat administer it when the Government take away the responsibilities of the panchayat? As a matter of fact, in regard to education, public health services and such other matters, should not the Government shell out money which they were otherwise shelling out? I say the Government want to waste all the 57 crores which they collect on something else and ask the 54,000 villages, to be grouped together into 20,000 panchayats, to discharge half the responsibility saying, we are not going to pay you anything except a little amount and you collect taxes for discharging the responsibilities. So, Sir, I say, this is merely a taxation measure. Again, compulsion also is used. Even under the City Municipal Act, in the Local Board Act and in the District Municipalities Act, option is given to the councils to levy or not to levy a tax. I do not see why compulsion is used in this case alone. It is simply because without compulsion, they know very well the panchayats cannot impose all the taxes, and if they do they will become very unpopular. The Government do not care whether others become unpopular, but they are compelled to levy taxes and indirectly pay to the Government. Sir, this is a measure of taxation, as I stated before, and in no part of the civilised world would you find a measure for a self-governing

20th January 1950]

[Dr. V. K. John]

unit, taking away the power to tax, compelling them to tax, transferring the unpopularity to them? Nobody who has read through this Bill can support it, because it is inconsistent with the directive principle contained in Article 40 of the Constitution of India. It is against common-sense, against equity and against justice and it is no self-government at all. And, what is this Bill? As I said, it is something ill-conceived, borrowed from those Acts introduced by foreign Governments and not self-government. Whereas, I should say, even the City Municipal Act, the Local Boards Act and the District Municipalities Act, are better framed. On the other hand, popular Government introduce a measure which they call that it is for the creation of units of self-government. I say that from every point of view this measure should be condemned and condemned with as much force as one could command. It is an irresponsible measure brought into the Legislature, pretending to create units of self-government with no power given to them and controlled in every way by the Government of this Province. It is very unjust. This will never succeed and people will never have it. You will find, Sir, that knowing very well that the people cannot have it, they have provided in clause 8 that the Inspector of Local Boards and Municipal Councils shall declare every village with a population of not less than 500 to be a village panchayat as soon as it is notified. Now, Sir, the Hon. Minister said, oh! there are factions and we have therefore taken some power for the good Government of these institutions. I say, that is looking at the thing from a wrong point. We people living in cities, dabbling in politics, create a lot of factions and it is our influence when I say 'our' influence, it is the influence of power-politics which creates factions—that has gone to local bodies. But, Sir, we ought to be proud of our village people and they are honest. I have great faith in them and in future if real self-governing institutions are given to them, they would work them very well and that could be done only when there is no interference by Government. I say, I have great faith in their character, in their integrity if only they are not spoiled by politics which this so-called civilised Government has got. What have they done? We ought to have created leadership in villages—you may call it by any name you like. As a matter of fact, the Hon. Ministers are administering the Province of Madras and they could have taken this precaution.

“ You know, Sir that two of the fundamental characteristics of any piece of legislation are, certainty and flexibility. Now, you need not have created all of a sudden all the 20,000 village panchayats and appointed 20,000 executive officers, or as my hon. Friend on other side said, less than 20,000, because presidents also are there. What they should have done is, they should have had an advisory body along with the constitution of village panchayats stating that the panchayats will have such and such powers of course, they need not be given all the powers all of a sudden—some villages may be given the responsibility of looking after the health of the people, some public works, some education, some development of cottage industries and so on, by choosing the respective

[Dr. V. K. John] [20th January 1950]

villages on the advice of experts. You can in course of time release power after power when you find the panchayat is managing very well the responsibility entrusted to it. For instance, if the responsibility for elementary education is given to a particular panchayat and they have administered it very well, you can give it secondary education and later on university education if you can. It all depends on the capacity or the leadership in the village if only you watch it very carefully and very closely and you can gradually release power after power. But, do not give the panchayats all the powers provided under this Bill for instance, power of taxation and they may be given such responsibility as the council will say, we will take up the responsibility, we will collect money, you say you will give us as much as you can. If they say, they will take up some responsibility in respect of the trunk roads or some more responsibility, release them that responsibility one item after another. Can this Government understand the important characteristics of any piece of legislation and release powers one after another so that the panchayats may carry on? No, they will not do that. Everything is confusion and confusion worst confounded. I am asked to join in the chorus of tributes paid to the author of this Bill."

THE HON. SRI K. MADHAVA MENON :—" I can only remark that nobody has yet paid any compliment in this House at least. My hon. Friend says, he is asked to join in it. He is not asked."

MR. PRESIDENT :—" I do not agree with the Hon. Mr. Madhava Menon. Government are anxious to get it."

* DR. V. K. JOHN :—" In the speech made by the Hon. Mr. Chandramouli he asked for it, but the Hon. Mr. Madhava Menon was not here when he moved the Bill, though he is present now."

MR. PRESIDENT :—" I think the greatest compliment can come only from the Opposition."

* DR. V. K. JOHN :—" Of course, the Opposition should compliment the Government when they bring forward any good measure, but when they go wrong, it is our function, without fear or favour, to expose the Government and criticize them."

MR. PRESIDENT :—" My request is, do not abdicate that function. That is what I am going to tell you tomorrow in the long statement I am going to make and I hope the hon. Member will be present then."

* DR. V. K. JOHN :—" I know we are not pleased and we feel a sense of frustration because when we brought in certain amendments and seriously pressed that this Council must have equal powers to consider them with the Assembly, they said, you are right, but we will not accept the amendments; we may bring in another Bill; the Constitution says we can bring in amendments. Sir, when amendments are brought, it is not for the Government to say, we will not accept them here because the Bill has to be sent back again; we do not want that inconvenience; you will have

20th January 1950]

[Dr. V. K. John]

another procedure, we will bring in another amending Bill. I say, Sir, such a procedure is a tantalising and a tortuous procedure, which Government do not realize and it is hurting the dignity and usefulness of this House. I say, when we bring in amendments, the proper course would be for you to accept them if you find them in order. Why should you bring in another measure separately for that? Therefore, Sir, we have the feeling of frustration that whatever amendments are moved from this side, whether good or bad they would not accept them—I need not go into its antithesis and suggest certain things which they will take, though I am not going to benefit by it but they will bring in another Bill as they did previously."

MR. PRESIDENT :—" I think, your duty is as much to the Government as to the public at large."

* DR. V. K. JOHN :—" That is our duty, but when the Government are consistent in their view that whatever be the merits of the amendments, they would not accept them and that they would bring in another piece of legislation because they have a majority who can stand up and vote for it, I say, all this is not in keeping with our own dignity and we should not give them an opportunity to tell us, we treat you like school boys or rather sorters in a post office who without opening the letters send them to their destination, the destination being the Governor or the Province. Now, I am not on that."

THE HON. SRI K. MADHAVA MENON :—" Whether the Bill says so or not, I will only say, he feels about himself."

* DR. V. K. JOHN :—" I do not know why my hon. Friend is feeling hurt when I am speaking."

MR. PRESIDENT :—" May I know whether the hon. Member would finish his speech now or take some more time. It is already 1 o'clock."

* DR. V. K. JOHN :—" Only a few minutes, Sir. Now, look at the Village Panchayats Bill you have got here. It contains 138 clauses a very long piece of legislation. They should have to appoint not only executive officers in every panchayat, but they should also give a lawyer to interpret the provisions of the Act, in view of the extent of this law and the complicated nature of it. As a matter of fact, it is not at all required but still they have made it so long."

" Later again, you have the Schedules and one of the Schedules deal with transitional provisions—Schedule III—In that Schedule they are making amendment to the Local Boards Act. They are not brought in as an amending Bill but as a Schedule to the Bill and these run to about 20 pages and 122 sections. I do not know why instead of bringing in these amendments as an amending Bill, and passing it in the usual way, they should have brought in these amendments as a Schedule to a very complicated piece of legislation. Are we not expected to go through it clause by clause, I mean the amendments to the Local Boards Act? The Hon. Minister

[Dr. V. K. John]

[20th January 1950]

referred in one word to these 122 amendments to a very ancient piece of legislation in force in this Province for so many years—I mean this 1920 Act?

“ They know, Sir, that after all when they have a majority in the Legislature everything will go through; they could have tied it to a spaniel and it would have walked along. One hundred and twenty amendments have been brought in to this Bill, Sir. I am not so much bothered about them nor of the provisions of the Bill. But my point is let them introduce a real measure of autonomy for the self-governing units with due regard and respect for the constitution of the country. To carry it out, I say, Sir, they must withdraw this Bill. If they have regard for it, let them withdraw the Bill because it is not in accordance with section 40 of the Constitution. Let them introduce another self-governing measure which will benefit the village people and enable them to express their genius. As I said, the genius of our village people had been in the past expressed through village republics; let us now revive them and give the people an opportunity to express their genius. If this Government will do that, they are doing something good to the people and carrying out the intentions of the Constitution of India. It is no good introducing a measure which, as I said and I repeat now, is merely a taxation measure and would add to the revenues of the province indirectly and enable them to be spending more than 57 crores of rupees which they have been spending all these years.”

The House adjourned for lunch.

(After lunch—3 p.m.)

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I remember having read a story in my college days in the life of Addison. Addison was a poor speaker and when once he attempted to speak in a gathering, he got up and said : ‘ I conceive ’ and he said it thrice.”

MR. PRESIDENT :—“ I think that relates to the House of Parliament itself.”

* SRI R. SURYANARAYANA RAO :—“ It is said that some one in the gathering got up and said ‘ Addison conceived thrice but brought forth nothing.’ That appears to be the fate of this Bill, Sir. This is being conceived for many years; the Advisers conceived it and they brought forth something which the present Ministry did not like. It is being considered for so many years and in the end, Sir, the Bill presented to the House, as the Leader of the Opposition pointed out, means nothing; it does not confer autonomy on the villages which the Hon. the Minister for Local Administration thinks the Bill confers upon them. I shall deal with a few sections of the Bill to show how in many respects the Bill is somewhat ill-conceived. I take section 3 (1) and section 4 (1) of the Bill as it has come from the Assembly. The Government wants to create panchayats for every village with a population of 500. I wonder, Sir,

20th January 1950] [Sri R. Suryanarayana Rao]

if the Hon. the Minister for Local Administration has perused the reports of the previous Inspectors-General of Panchayats, such as those of Mr. Gopalaswami Ayyangar, Mr. Rutherford and others who did so much to promote village panchayat administration in this Province. A perusal of the reports would have showed him that most of the panchayats did not function apart from factious spirit that prevailed there, on account of the fact that the panchayats had not enough funds at their disposal to discharge the duties entrusted to them and unless the Government could come forth with liberal grants they would not have been able to accomplish what little they had to their credit. With a population of 500 and the financial proposals as provided in the Bill, I wonder, Sir, how the Hon. Minister can feel that such village panchayats will function properly and discharge the multifarious duties devolving on them. I would have been glad if a provision had been made for the clubbing together of villages, not the single revenue village with a population of 500, but contiguous villages even if they are separate revenue villages so that the income derived from the three or four villages might be enough to enable the panchayats to discharge their functions satisfactorily. Sir, the Hon. Minister wants the panchayats to depend mainly on the doles from the Government by way of the $12\frac{1}{2}$ per cent of the land revenue which the Government have set apart for purposes of the grant. I wish, Sir, the Hon. Minister had made provision such as the one which existed before, I think, and also in the Act promulgated by the Adviser regime enabling the Government to club villages together for purposes of establishing panchayats in more than one village instead of saying that panchayats shall be established for every revenue village with a population of 500.

“Section 22 provides for the direct election of the President. I must confess, Sir, that the Hon. the Minister for Local Administration is far ahead of the times. He is prompted by the spirit of the days when it was felt that even the Governor or the President of the Republic should be elected directly by the voters. While I appreciate his anxiety to train the electorate first of all to elect their own president directly, I fail to see any provision made in the Bill providing for the removal of the president if the electorate found him unsuitable; I fail to see any provision made in the Bill by which if a percentage of the electorate feel that they are dissatisfied with his conduct or have no confidence in him, they could take action for removing him from the presidency. As far as I could see, there is no provision in the Bill for that purpose and perhaps they will have to appeal to the Government and I do not know if even the Government have power to remove him unless he is guilty of grave misconduct.

“In Chapter III, the Hon. Minister has provided for obligatory functions and there are also optional functions. Sir, obligatory functions provided under this Bill are functions which involve expenditure and I am doubtful if with the financial provisions made in Chapter IV, there would be enough funds especially in a village with a population of 500. Obligatory functions do not include the

[Sri R. Suryanarayana Rao] [20th January 1950]

responsibility for elementary education. I am one of those, Sir, who in the Advisers' regime pleaded that the conduct of elementary schools should be wholly the responsibility of the village panchayat. I find that it is an optional duty imposed upon them. I wish to ask in this connexion, Sir: Who is better and more qualified and more interested in the education of his children than the villager, who not only contributes the taxes but is also in intimate and daily touch with the provision for education made for his children and who, immediately he found schools not functioning properly, could take the matter to the panchayat or the panchayat themselves may take notice of it and see that the schools are run properly? Unless this question of elementary schools which is now optional devolves upon panchayats, the provision for elementary education will continue to be the responsibility of the district boards and in a matter relating to district board, the panchayatdars have no voice and all that they can do is to make representations. At present, Sir, panchayats are running some schools and to my knowledge, whatever the Department of Education may say, panchayat schools are better run than district board schools. Sir, I wish the Hon. Minister had included the provision of elementary education as an obligatory function of the panchayat.

3-15
P.m.

"Then, Sir, we come to Chapter IV relating to taxation section 63 deals with the taxation proposals. I do not think my hon. Friend, the Leader of the Opposition, who is unfortunately absent now, was right in criticising the use of the word 'shall' instead of the word 'may.' For, unless anybody who is entrusted with certain functions is also provided with funds by statute, I do not think, that body can discharge its functions properly. So there is nothing wrong in asking every panchayat that they should levy certain taxes compulsorily. There is obligatory provision in respect of taxation regarding land-cess at the rate of three pies in the rupee on the annual rental value of all occupied lands which are not occupied by or adjacent and appurtenant to buildings, a tax on agricultural land for a specific purpose and fees on any commercial crop bought and sold in the village other than those levied under the Madras Commercial Crops Markets Act. All these appear to be very good sources of taxation. But I am sure the Hon. Minister for Local Administration realizes how difficult it is for any panchayat to venture to inflict any of these taxes. Already there is the cry that land is already over-taxed; that the land-cess now levied is very high, and so any further increase in the rate of land-cess even in respect of all occupied lands which are not occupied by, or adjacent and appurtenant to buildings, or a further tax on agricultural land for a specific purpose will be out of question for a long time. So practically panchayats have to rely mainly on the funds derived from house-tax, profession-tax and vehicle-tax; and I am afraid the proceeds of these taxes will not be enough for the panchayats to discharge their obligatory functions to the satisfaction of the electorate. Then, Sir, the Hon. Minister has provided that 12½ per cent of the land revenue should be earmarked as grant to panchayats to be distributed on the basis of population. Sir, this

20th January 1950] [Sri R. Suryanarayana Rao]

12½ per cent of land revenue is that of the whole Province, and not of that collected in a particular village. If it had been 12½ per cent of the land revenue collected in that particular panchayat area, that would have been far more equitable as it would assist the panchayat in being sure of what income they would get and frame their budget suitably. But, now they have to look to Madras, or rather to Fort St. George to know what amount out of the 12½ per cent they would get. I think, some time ago there was a proposal that a certain percentage of land revenue collected in the villages should be earmarked for the panchayat of those villages to enable them to frame their budget and carry out their obligations. Sir, I think this is a lacuna that has to be seriously considered. If the object of the Hon. Minister is to assist the panchayats to discharge their functions satisfactorily the system of doling out from the 12½ per cent of the land revenue collections in the entire Province cannot work well. Because it is liable to be subjected to influences; and those that are influential with the Government will get more. So I think instead of that, it would have been better if the Hon. Minister had said '12½ per cent of the land revenue collected in the village shall be earmarked for the use of the panchayat of that village.' If such a method is adopted, then, I would venture to say, even 12½ per cent would not be necessary. Even 10 per cent or 8 per cent would be sufficient in certain panchayats, to start their career under good auspices, and to discharge their functions in such a manner as to show that panchayat raj is really helpful to the people of the village.

Sir, I was intrigued to read section 133 in which judiciary functions are being sought to be given to an executive body like the panchayats. While the Hon. Minister for Law is a protagonist of the separation of the judiciary and executive functions and while the Government are carrying out the separation of judiciary and executive functions elsewhere, in this sphere of village administration, an attempt is made to combine the executive and judiciary functions! Sir, on this subject, we have always resisted. There is any amount of literature on this in the archives of the Secretariat, on both sides of the question and ultimately the view has prevailed that so far as the village panchayats are concerned, which is an executive body, as the executive officer has only to carry out the orders of the panchayat, the panchayats cannot be entrusted with judiciary functions. Should that be done, in many of the cases, the panchayat board will have to be the complainant and also the judge. This combination of the judicial and executive functions at the bottom is very very dangerous, or more dangerous than at the top, as the accuser himself will have to sit as judge in the disposal of his own cases. I do not know how this aspect of the matter did not strike the Hon. Minister for Law, when the Bill went before the Cabinet. While I object to this, I have no objection to the income arising out of the working of these courts being earmarked to the funds of panchayats. When a panchayat goes against an occupier of a house for non-payment of house-tax, that

[Sri R. Suryanarayana Rao] [20th January 1950]

same panchayat has to issue coercive process. Again, there are several cases, for example, against a violation of health laws, an occupier of a house might have to be prosecuted before the village court, and that court will be the panchayat, and the panchayat will be accuser and the panchayat will be the judge. So, in such a case, I do not think an ordinary citizen will get justice by combining these two functions.

" Then I come to another subject. Sir, it is a good move that the power of registration is conferred under section 133. For, it is true that often villagers have to walk long distances even for registering small documents. I am glad this power has been given to the panchayats. I am sure in course of time they will give such satisfaction that slowly the power for registering even documents of higher value will be given to them. I take it, the registration fees thus derived will go to the funds of the panchayat. I am not sure whether any provision in this behalf has been made anywhere in this Bill. If such a thing is done I am sure it will go to augment their sources of revenue.

" Then, Sir, I do feel that the executive officers provided for in this Bill will perhaps become more meddlesome than they should be. In saying so, I should not be understood as to mean, that I am against an executive officer being employed. The function of that executive officer should be simply to carry out the orders of the panchayats and nothing more. He should not have any powers to write behind the panchayat to the Inspector. Unless it is prevented even now, I am sure, that is what is going to happen. The executive officer may serve as a spy of the Inspector in the panchayat, and he may write against the panchayat to the Inspector. To prevent this, there should be a rule stating that no communication from the panchayat should proceed to the Inspector without the signature of the president. Sir, in fact, that is what is being done in the Corporation of Madras. There, no communication can be sent to Government except under the signature of the Mayor; so that the Mayor, who is the custodian of the interests of the citizens, will always know what is happening. So, in the absence of such a provision in this Bill, what will happen is, the executive officer may carry tales against the panchayat, and in fact, he may do many things, and the panchayat will become aware of them only when a notice is served by the Inspector on the panchayat of abuse of power or gross dereliction of duty, for which, in reality, the executive officer himself may be responsible. When we give power to the executive officers, let us give them power which they may not abuse; and let us give panchayats real power. There need be no apprehension of abuse of power by the panchayat. For there is the Government always at the top, which has got the overriding power and so it can deal with any recalcitrant panchayat suitably. But here, in this Bill, the executive officer should not be installed in a position to take advantage of it and write to the Inspector against the panchayat. That is a danger against which we should guard ourselves. Otherwise this panchayat raj will

20th January 1950] [Sri R. Suryanarayana Rao]

become a mere mockery, and as was said by the Leader of the Opposition, it may perhaps become an executive officer raj and not a panchayat raj. So unless we amend the Bill suitably even now, the present Bill may end like that. I may even say, perhaps at the end of one year from the passing of this measure, the Hon. Minister for Local Administration may himself come before this House and say that the panchayat board is not able to control the executive officer, because that officer owes his position not to the panchayat but to the Inspector; and so the Bill should be suitably amended. Further, Sir, the executive officer may act to please the Inspector, and the Inspector will always rely on the executive officer's report rather than on the report of the panchayat board. In fact, in the field of municipal administration, that is the kind of grievance the elected representatives, the chairman and the councillors have. While I agree that the appointment of executive officers should rest with the Government, but once he is appointed, he should be made to feel that he is the servant of the panchayat and not the master of the panchayat. Contrary to this principle, the provisions in this Bill extol him to the position of a master. So there is the likelihood of the danger of panchayat raj becoming an executive officer raj, on account of the position of the executive officer. I do not know whether it is not too late now for the Hon. Minister to recast any of the provisions of the Bill. I wish he had looked into this matter himself earlier, having himself received so many complaints from the chairmen of municipalities regarding the conduct of Commissioners. I, therefore, plead that the Hon. Minister might see that the executive officers do not abuse the privileged position accorded to them under this Bill. I do not know how Government would guard against this danger. But if this danger is allowed to go on, I am afraid, in course of time, nobody in the village will be willing to stand for panchayat election and nobody will be willing to become president of the panchayat, because they would not like to be looked upon with suspicion and distrust by the executive officers, who will be only dancing to the tune of the Inspector. Sir, I feel that in the select committee stage a least Government could have looked into this matter and set it right. Also I wish that the taxation proposals had provided enough funds for the panchayats and that the so-called contribution from land revenue collections are an assured income to all panchayats, as otherwise their finances will be bad, and, therefore, Sir, I feel, on the whole, the panchayat raj we are looking forward is not going to come."

* SRI K. VENKATASWAMI NAYUDU :—“ Mr. President, Sir, I thought there would be unanimous appreciation for this measure because it was a long-cherished desire that we should restore panchayat raj in this country, as such a raj was of great benefit to the country in ancient days. Introduction of panchayat raj was one of the items in the constructive programme of Mahatma Gandhi. But when a Bill to give effect to that long-cherished desire is actually brought forward, I find that there is a certain amount of scepticism. A friend of mine, who was very critical of

[Sri K. Venkataswami Nayudu] [20th January 1950]

Congress work, told me that this Bill was one good piece of legislation introduced by the Congress Government and that he wished to congratulate them on it. I think we must feel really glad that this legislation has come. In every Act there is bound to be some defect or other. I am thankful to Mr. Suryanarayana Rao for making various suggestions for improving the Bill. They are worthy of consideration and if there is any necessity for rectification, it will be done.

"All of a sudden we cannot hand over the entire administration to the villagers who are not accustomed to it. While it is very necessary to train the villagers in local administration, the Government should move cautiously and slowly in the initial stages. The present Government are not a foreign Government with no touch with the people but a Government which represent the people and know their interests well. Therefore we need not think that the executive officer or Inspector will act like Hitler or work against the best interests of the village. Till now only municipal bodies were entrusted with the functions and powers enumerated in Chapter III. No village ever knew what a road was or what conservancy was. This is the first time that we are conferring on villages the power of local administration and making them autonomous units. To enable the village administrative units or panchayats to conduct the civic administration efficiently, the Government are giving a certain amount of financial aid. It is very necessary to give effect to this long-overdue reform of training citizens in local administration. Even in municipal bodies and big panchayats which have been in existence for a number of years, there have been factions and supersession. As we progress and learn to administer our affairs, we can rectify mistakes and improve. Because these defects are likely to occur, we should not say that it is not necessary to confer the power of local administration on villages. On the other hand, we must encourage every village to form a panchayat to provide amenities for the people. The taxation powers mentioned in the Bill are necessary, because taxation is the only means by which real work can be done. Provision is made for Government help to poor panchayats and this is indeed a welcome feature in these days of financial strain. This morning the Leader of the Opposition was very vehement and there was more force in his speech than argument. That only shows that he has got some anger against this side of the House because of some external circumstances. Really there was very little against this Bill in his speech. He objected to the Bill on the ground that it gave to the Treasury Bench enormous power and scope for patronage in making appointments to the several posts that were created by this Bill. That is not the object in introducing the Bill. Here is a bold attempt made by a popular Government to confer autonomy or self-government on villages by investing them with several powers including the judicial power. The object of this Bill is to introduce autonomous rule in villages. That is a laudable object over which we must feel happy. In the

20th January 1950] [Sri K. Venkataswami Nayudu]

past Madras led the rest of India in forward legislation, and in passing this Panchayats Bill also, Madras is giving a lead for the other Provinces to follow. We want the support of all sections of the House in this initiation of real Swaraj in the country. On the 15th of August 1947 India got independence and on the 26th of January 1950 she is going to have a new constitution. As the Leader of the Opposition told us, the directive principles of State policy embodied in the new constitution are meant to do something good for this country. To implement one of those directive principles, we have brought forward this Bill almost simultaneously with the inauguration of the Indian Republic and everybody must co-operate to see that that this Bill is made a success in its working.

“ The Government also must take a certain amount of responsibility in seeing to the proper functioning of local administration. For that purpose, provision is made for the appointment of executive officers. If there is abuse of power, it may be on all sides. When power is conferred on an officer, ordinarily he want to exercise it and in the exercise of it he may commit mistakes. That is only his first reaction. But later on, he wants to exercise his power for the benefit of everybody. The executive officer of the panchayat, the president, and the Government must see that the powers conferred by the Bill are exercised in the interests of the villages.

“ The direct election of the president by the entire electorate in the panchayat area is a good idea and I like it. A president so elected will be the popular leader of the village and the villagers will have confidence in him. If a handful of representatives were to elect the president, a person who gets six votes in his favour gets elected against the other person who gets five votes. That is not fair. Therefore it is that all the voters in the panchayat area are asked to choose their leader. We must work for the ultimate object, namely, the choice of the President of the Republic though that is not the immediate object. Here is the foundation for the realization of that object.

“ This Bill is a very important measure. I am very happy that it has been introduced and I hope that it will be worked as successfully as possible. I congratulate the Hon. Minister for Local Administration on taking such great trouble to bring forward this Bill which is bound to be of great benefit to our people. I hope the speakers from the Opposition side, who will follow me, will at least give the praise that is due and not stint it because there is really something in the Bill which we must encourage. We want this Bill to be accepted by members on all sides so that it may be a Bill of the people by the people for the people. We want a chorus of appreciation not because it is personal to the Minister concerned but because this legislation is a genuine attempt to implement a directive principle of State policy and an ardent desire of Mahatma Gandhi. There may be mistakes. Every Act may contain mistakes and the lawyers will pick holes. But we, lawyers,

[Sri K. Venkataswami Nayudu] [20th January 1950]

have got to speak for both sides. I think our Leader of the Opposition was speaking for one side only. I am saying all this because I feel that this is a Bill on which there must be an unanimous vote from all sections of the House. A popular Government will rectify mistakes, if mistakes there be. The principle of the Bill must be acceptable to everybody and the hon. Members must bless it with success."

3-45 P.M. * SRI N. RANGA REDDI:—" Mr. President, Sir, whatever might have been the apprehensions that have been raised with regard to the successful working of this measure, I am inclined to support it wholeheartedly. That does not mean that I agree with the Hon. Minister who has brought forward this Bill in every provision or every principle that it contains. Having been the president of a district board for a fairly long time, the Hon. Minister for Local Administration has come to the conclusion that if any good is to be conferred upon the villages, the present local bodies are not the proper bodies to do so and what they have done in that direction has not been sufficient. He has therefore thought of a very bold experiment and he wants to make that experiment by means of this legislation and I think that this experiment should succeed in conferring very great good upon the villages. I know, Sir, that the finances of the local bodies were mainly spent upon the welfare and amenities of the townsmen, although the representatives of these local bodies, namely, the taluk boards and district boards, came from the villages. It was always a fight between the cities or towns and the villages and that fight is going on even to-day.

" Sir, so far as the condition of villages is concerned, my impression is that most of them, particularly in the Rayalaseema districts, of which I know very well—and I cannot claim to have much knowledge of the villages in the other parts of this Province—are in a very bad state and show no signs of improvement. They remain in the same old state. They have no proper communications, and are very difficult to be reached. There are no elementary schools in these villages, nor are there any other facilities for education among the children living there. In very many of these villages, there are no hospitals or medical assistance nor any maternity or child-welfare centres, as we have in towns. If at all any of these things are started, they are started only in bigger villages which are more or less like towns, and the smaller villages naturally remain neglected, and it is therefore very necessary that an honest and a real attempt should be made to improve the condition of these smaller villages, and it is that that the Hon. Minister for Local Administration is seeking to do by this legislation and we should really be grateful to him for having brought forward a measure like this.

" Sir, the main criticism that has been levelled against this Bill is that the Government being unable to supply the necessary finance of these village panchayats have asked them to tax themselves, and because the Government have wasted all their provincial

20th January 1950] [Sri N. Ranga Reddi]

revenues which come to about Rs. 50 crores per annum they say that they are not able to provide any sum for these villages. Sir, I am not in a position to state whether that criticism is really justified or not, but one thing is certain. Hon. Members who made that criticism have not substantiated it with reference to any concrete facts. They have simply made the statement that the Government had wasted away all their provincial funds and that therefore they were asking the villages to tax themselves. I submit, Sir, that it is for the hon. Leader of the Opposition who made that statement to substantiate it and to explain in what way the provincial funds had been wasted away and in what way they could have been better utilized.

“ Sir, apart from that, he also attacked certain other provisions of the Bill. For instance, he did not like the division of the panchayats in this Province into class 1 and class 2 panchayats. He expressed his apprehension that class 1 panchayats would not collect the taxes that were due to them and that they would go under class 2 panchayats. In making that point, the hon. Leader of the Opposition forgot one thing. It is not that all class 1 panchayats should collect Rs. 10,000 by way of taxes. It is enough if the estimated income is Rs. 10,000. It does not in the least matter whether class 1 panchayats actually collect this Rs. 10,000 or not. If their estimated annual income is Rs. 10,000 and the population of the village is 500, they are bound to be included as class 1 panchayats. Whether they are able to collect the taxes or not, is a different matter. Later on, the hon. Leader of the Opposition introduced a vicious principle to which I should like to take objection. He asked why 12½ per cent of the total provincial revenues collected from the whole Province should be given to class 2 panchayats and why class 1 panchayats be deprived of any share in that revenue. Sir, I have pointed out more than once that there are very many poorer districts and poorer villages in this Province. If our provincial revenues are to be distributed on the basis that every unit should get what it has paid in the form of tax, how will the Government find the money to assist villages which are very poor and have not paid any tax at all? But he wanted that the *status quo* should be continued. I submit, Sir, that this is not a correct policy and no Government could function on that basis. The Government should come forward to help not only the rich but also the poor and where the village panchayats are so poor that they are unable to finance themselves, and are unable to start primary schools or maintain dispensaries, or provide themselves with necessary amenities and conveniences, mentioned under clauses 51 and 52 of the Bill, then the Government should come to their rescue and see that necessary funds are provided for them, so as to place them on the same footing as other villages.

“ Sir, my hon. Friend Mr. R. Suryanarayana Rao said that it would be much better if the villages were assured that they were going to get all the land revenue that they have been paying. That argument, Sir, is also subject to the same objection, because the

[Sri N. Ranga Reddi] [20th January 1950]

land revenue from one particular village might be very small and yet it might require greater financial assistance from the Government than others in view of its very poor financial condition. According to this Bill, class 1 panchayats are not entitled to any provincial grant. It is only class 2 panchayats who have inadequate finances and which could not be expected to raise any amount by way of taxes, that should be helped by the Government and that has been provided for in this Bill. No doubt, sometimes, it might be that the Government are not distributing their grants with reference to the needs of particular villages, and perhaps it may be that they may not be holding the scales even in certain cases, but all the same, it must be admitted that no uniform policy could be adopted in a matter like this. I agree, Sir, that sometimes a person who has got more influence gets a greater advantage over others and our Government, being a popular Government, is naturally subject to the same criticism, but at the same time, people can exercise their will over the actions of the Ministry in seeing that proper and equitable distribution of the provincial revenues is made with reference to the needs of the villages. Therefore, Sir, I do not think that there is much justification for my hon. Friend Mr. R. Suryanarayana Rao to say that this sort of distribution should not be made and that all the revenues derived from a particular village should be spent in that village itself.

“ Sir, my hon. Friend the Leader of the Opposition took very great objection to the provision regarding the appointment of the executive officers and condemned the Bill as a whole by saying that no real measure of self-government has been conferred upon the village panchayats, although the object of the Bill was said to be to make the village panchayats the republics of the village. He said that we must not call this Bill a Panchayat Bill giving full autonomy to the villagers, because the real power vested only with the executive officers, who were to be appointed by the Inspector of Local Boards. I may submit, Sir, that if this argument is to be pursued to its logical conclusion, then the Provincial Government should also be carried on by our two Houses of Legislature, the Legislative Assembly and the Legislative Council. But are we, the members of the Legislature, running the entire administration ourselves? No, it is not possible; nor is it the intention. There are the permanent civil services and there are various other subordinate officials under them to carry out the policies laid down by the Legislature. In the same manner, if decisions are made and resolutions are passed by the members of the panchayat in their meetings, those decisions and resolutions will be put into execution by the executive officers. There is no other way of putting these decisions into execution. It may be that the executive officers are appointed by the Inspector of Local Boards. In some cases, the executive officer may perhaps be the president himself. Opinions may vary as to whether it is right that the executive officer should be allowed to exercise such large powers as those exercised by the president of the village panchayat. But I am sure, Sir, that most of us here who have had some

20th January 1950] [Sri N. Ranga Reddi]

experience of the working of municipal councils, taluk boards and district boards will certainly agree that so far as the executive functions of these bodies are concerned, it is always much better that they are performed by an independent officer who has nothing to do with the local politics and who is in no way connected with the elections to these local bodies. This I say from my bitter personal experience. I know, Sir, that when the elections to these district boards and other local bodies took place in the year 1937, with what bitterness the elections had been fought and how much money had been wasted by the contesting candidates in actually purchasing the votes and how rampant were the corruption and other malpractices in those days. So, Sir, when a person who has spent so much money and has taken so much troubles to win the elections, if he is to be placed at the head of affairs and asked to administer the panchayats, the local boards and district boards, is he not going to listen to the wishes of those who gave him support? Is he going to act justly by the people who have not voted for him? Therefore it is, Sir, that we want an independent person who has nothing to do with the elections, and who is unconnected with the parties in the village to be there to carry out the resolutions passed at these panchayat board meetings. My hon. friend Mr. Suryanarayana Rao said that these executive officers who are appointed by the Inspector of Local Boards would flout the wishes of the members of the panchayat, because they owe their appointments, not to the panchayat boards, but to the Inspector, that they look to the Government for their promotion and that they would dance attendance on the Inspector and that they would not care to do things that are necessary for the welfare of the people in the villages. Sir, arguments can be advanced on both sides, and we must not be merely carried away by arguments. After all, who is this executive officer? This executive officer is a person appointed by the Government and for all practical purposes, he is a Government servant and his promotion depends upon the good he turns out in the panchayat. The Inspector of Local Boards will judge him only by the work he has done in the village when the question of promotion comes. He will see the record of his work in the panchayat and then only he will consider whether that person is fit for promotion. Simply because he dances attendance on him, the Inspector of Local Boards, who is the head of the department, is not going to be carried away by that. I am sure, Sir, that those days when promotions were given on such considerations are gone. Perhaps there were some people in the days of the bureaucratic British regime who got promotion by such devices and by simply dancing attendance on Civilian. I hope, Sir, that the present heads of departments would put an end to such things, and that the Inspector of Local Boards who is the head of these panchayats would see that promotions are given only to the most deserving executive officers, who have really done some good work in the villages.

“ Sir, there is another thing with regard to these executive officers, on which there is bound to be some difference of opinion.

[Sri N. Ranga Reddi] [20th January 1950]

There are some people who hold the view that these executive officers should be completely free from the control of the members and presidents of these panchayat boards, so far as the administration of these boards are concerned. There are others who think that they should be completely subservient to the members and the presidents of the panchayats. This is a very difficult question and it is only time and experience that could solve this problem. Now we can only lay down rules. Still there is bound to be friction between the executive officer and the president of the panchayat, because the latter may feel that he has been elected by the whole village, that he is more powerful than the executive officer, that the executive officer is only a stranger and that he has to carry out the orders issued by him. On the other hand, the executive officer may feel that he is answerable only to the Inspector of Local Boards and that he should obey only the orders of the Inspector and not those of the president. So, this is going to be a difficult matter and it is only time, experience and good sense that should guide them, there should be a harmonious working of these institutions. But, Sir, with the little experience I have of these local bodies, I may straight away say that I am always in favour of an executive officer. I know, Sir, that in the year 1931, the elected presidents of the panchayat boards were empowered to levy profession tax to the extent of Rs. 150 per half-year and if the tax was not paid, the person concerned was prosecuted and brought before the magistrate. The magistrate would say, 'I cannot go into the merits or demerits of your case. I will simply go by the orders of the panchayat and if you think that you are unjustly taxed by the panchayat board, it is for you to file a suit in the civil court.' I only ask how many such people are there who can go to civil courts and have the injustices set right. It is not possible for everybody to do so. Unless there is a big party and unless there is a big common fund, as it were, to fight these unjust causes, these people will simply suffer. Once he has been taxed, he will simply say 'I will do your bidding'. Therefore, it is absolutely necessary that such things like the assessment of profession tax and house tax should always be in the hands of an independent person who is unconnected with the elections. I think the Government are right in saying that such duties should be discharged by independent officials whom they propose to appoint. Therefore, I am not for investing such powers in the members of the panchayat or its president.

4 p.m.

" Having said so much, I am inclined to agree with the hon. Member Mr. Suryanarayana Rao's criticism on the two important provisions. Those provisions are contained in clauses 50 and 51. Clause 50 defines the obligations of the panchayat to do particular things whatever might be the cost therefor. Clause 51 defines the optional things that the panchayat may do. Unfortunately most of the things that appeal to the villagers like the starting of an elementary school, the starting of a dispensary, and the starting of a hospital, are all provided for in clause 51. That is to say, the panchayat is not bound to do these things. These are all optional. What I am saying is that where a village panchayat is invested

20th January 1950] [Sri N. Ranga Reddi]

with so much responsibility, and where it is not able to do all the things that are entrusted to it, the panchayat will be brought into disrepute, as it were. The duties mentioned in clause 51 should be tacked on to the duties mentioned in clause 50. Then only the panchayat administration will be successful. Then only the president and the members of the panchayat will have justified their existence. If an amending Bill is necessary for this purpose, it should be brought forward at an early date so that every panchayat would be compelled to do these things. The Government might say that they have not the necessary finance. But they are putting the panchayats in an inconvenient position, and these panchayats will incur the displeasure of the villagers.

“ Sir, the Hon. the Leader of the Opposition stated ‘ Oh; it is a taxation measure, and therefore it is bound to be unpopular ’. It is not a new fact. We know from the beginning that any politician levying a tax is bound to become unpopular. I am yet to see the day when any politician, who imposes fresh taxes, would become popular. I cannot visualize it. Unless our very nature is changed, I do not think any measure of taxation will be welcomed by the people. But responsible people who want to hold the reins of power and who want to run the administration should see whether these taxation measures are necessary and whether there is any other method of providing sufficient revenues to the villages to improve their condition. If no other method is possible, however unpleasant it might be, we should go in for taxation measures. If people are satisfied with the way in which the provincial revenues are spent, I ask them to show us the method by which we can raise the revenues that are necessary for improving the villages. Therefore, I submit that we are not going to be frightened by criticisms that this is a taxation measure and therefore we should become unpopular. If this measure is going to confer real good on the people, I welcome it. It has to be seen whether we are going to have real good.

“ As my hon. Friend Mr. Suryanarayana Rao stated, this Bill makes it compulsory that every village with a population of five hundred should be made a panchayat. The Inspector of Local Boards has no option in the matter. He has to declare every village a panchayat. But, Sir, from the experience that we have, it looks as though that we could have proceeded more cautiously on account of the existence of bitter factions that are raging in the villages at present. But the other view is that if we are going to postpone the elections or to postpone the conferment of power on the village panchayat on the ground that factions would become bitter, I do not think we can ever improve the condition of the village. At some time or other we have to take the risk. Unless we take risks there would not be any gains. In a matter like this, if we do take risks and if we find that there is really no gain, nothing would prevent us from retracing our steps. But it will be foolish to say that because conditions in the village have not improved, we should not take any step at all. As I said, at the very

[Sri N. Ranga Reddi] [20th January 1950]

beginning if we do not take a step like this, we can never improve the condition of the villages. Therefore let us take the risk, and if really no good is conferred on the people, then we might retrace our steps, as the Hon. Minister for Local Administration stated in the Assembly. To a certain extent, the Hon. Minister also has admitted that the clubbing of villages is absolutely necessary for doing certain things, for example the starting of a hospital, or a child welfare centre or an elementary school, or the laying out of a road. For putting into execution all these beneficial works which are of very great importance, it is absolutely necessary that villages should be clubbed together, and that there should be a common fund. Therefore, I submit that it would have been much better if more villages than one had been recognized as one unit.

“ There is one other point also, and that is the election of members to the panchayat and the election of the president. These elections mean that we have taken democracy to these villages. Democracy means the existence of two parties. When there are two parties, whatever be the devise that is adopted, we cannot abolish the two party system. It may be a two party system or a three party system. Even if we are going to elect the president by a direct election of the whole village, may I submit, that we cannot abolish the two party system? In electing members to the panchayat, it has been stated that the villages have been divided into wards, and that every ward has got its right to vote for its own member. Only the president is to be elected by the whole village. This is following the model of the American system. Students of history know very well the position of the American President and the Senate. The Senate is elected by one method and the President is elected in a different manner. Therefore, there is bound to be friction. Here also my suspicion is that there is bound to be friction. It may be said that the president, having been elected by the majority of the villagers, must command the confidence of the whole village, whereas the ward councillors, having been elected by the majority in their wards, may not command the same confidence as the President commands. May I submit that if resolutions of the panchayat are to be carried into effect, or certain works are to be put into execution, where the president occupies the position of the executive officer, he will find it extremely difficult either to carry out those resolutions or to have certain policies framed, because he might belong to one party. When he is elected by the whole village, then he has to depend on the support of his party. He cannot eschew the support of his party altogether. Therefore, I submit to the Hon. Minister that this is a matter which deserves consideration. The Government will have to see whether the panchayat administration could be successfully carried on with the executive powers in the president. As the Hon. Minister himself recognized, villages have to be clubbed together for purposes of starting hospitals or dispensaries or the laying out of roads. The Government could have made two or more villages as

20th January 1950] [Sri N. Ranga Reddi]

one unit. Why I say this is that, having had some experience of the factions in the villages, I feel that it will be better to provide bigger areas as units. The bitterness that is engendered at the time of election might be there for a long time, and it may even be carried to the ordinary administration of the panchayat. I am only submitting this matter for the consideration of the Hon. Minister. District Board elections were held about 3 or 4 months ago. I was very much afraid then that some violence might be used during elections. But to my great surprise I found that people had become wiser. They probably realized that these were things which should come very often and that there was nothing to fight so bitterly."

DR. V. K. JOHN :—" Sir, why should the hon. Member be surprised that people have grown wiser? "

MR. PRESIDENT :—" The surprise is that he has expressed it in this House."

* SRI N. RANGA REDDI :—" I only stated that people have realized that it is futile to fight these elections. When they were fighting elections, they were using violence. But now they had given it up. I say advisedly that they have grown wiser. There is nothing surprising here, and I do not know what makes the Hon. the Leader of the Opposition to take exception to my statement."

MR. PRESIDENT :—" He does not take exception to that statement."

* SRI N. RANGA REDDI :—" I am only stating that if the unit had been bigger, probably so much bitterness could not have been engendered. But this is a matter for trial. The Hon. Minister has taken one step in this Bill, and let us give it a fair trial."

" I may also state at this stage that when the president is not functioning, the vice-president is expected to function. He is expected to discharge the duties of the president. So far as the vice-president is concerned, he is elected by the members of the panchayat, whereas the president is elected by the whole village. If the vice-president who is elected by the members of the panchayat, is expected to function successfully for some time, I ask why not allow the president also to be elected by the members of the panchayat? Thereby we can completely eliminate the chance of any friction that is bound to arise between the persons who are elected by one device and the person who is returned to office by a different method. So, I say that it would be much better if the members and the president are elected by the same device. This is only my apprehension. I feel it my duty and I have done my duty also in expressing my apprehension so far as the elections are concerned."

[Sri N. Ranga Reddi] [20th January 1950]

4-15
p.m.

“ The Hon. the Leader of the Opposition has said that it would have been much better to confer power gradually on the village panchayats. May I tell him that after the experience that he has and also the people of this Presidency have of how the dyarchy system has worked between 1921 and 1935 both in the Centre and in the Provinces, it is better that we confer some responsibility and power on these villages or on the taluk boards or on the district boards? If you do not confer real responsibility and real power on the people, their criticism will be always irresponsible because they know whatever they say will not be heeded or valued. I do not feel the Leader of the Opposition meant his criticism seriously so far as the principle of this Bill is concerned. He really wanted that his criticism should be taken as a genuine criticism. If that was so, I submit, Sir; it is better to confer real power straightway on the villages so that might grow and develop themselves into bodies which can do real good to the people.

“ He also said that gradually all this power should have been conferred stage by stage and that control over irrigation, village court, forest, etc., should not be conferred on them immediately. Sir, if you search the whole village, how many people can you find prepared to take up these positions of responsibility? You may say, it is a different matter. Some person, either ‘ A ’ or ‘ B ’ will have to be approached. After all, there will be only a handful of people and when it is the case, it is much better that the same body of persons should be entrusted with this power so that those persons may give their whole time to the village administration and the welfare of the people. Otherwise, the people holding position with very little will devote a short time and think ‘ I need not take much trouble.’ But if they are entrusted with the administration of the whole village, they would feel it is their own matter and they would be criticized if anything goes wrong and they would bestow greater attention. Thus we will be training some people as real leaders. That way, I really congratulate the Hon. Minister for Local Administration on conferring powers on only one body of persons.

“ I need not say anything about the separation of the judiciary from the executive for it is likely to come up soon due to the kindness of my Hon. Friend the Minister for Law.

“ Mr. Suryanarayana Rao at one stage said that the Bill had to be read carefully and he did not find any provision relating to the removal of the president by the people. From the experience that we have gained in the administration of local bodies, may I say that if such a provision is introduced, no president will continue for more than six months? We have seen enough trouble with motions of no confidence having been introduced, in the working of the District Municipalities Act and the Local Boards Act. Fortunately for us, the Government, having gained some experience, have laid

20th January 1950] [Sri N. Ranga Reddi]

down that motions of no confidence cannot be entertained before six months; they could be entertained only after six months. If Mr. Suryanarayana Rao really wants that a provision as he enunciated should be inserted and the power should be exercised by the people, let it be after two years or three years. But there is really a provision for removing the president, i.e., by the Inspector of Local Boards. We need not be afraid that the Inspector of Local Boards will in any way be influenced by unjust considerations in removing the president. He will be in a much better position to judge whether the president has acted wisely and properly in the interests of the administration of the village, more than the villagers themselves, because we know very often these votes are thrown away capriciously. If they find something has not been done according to their taste or will, then in such a case if these people are given the power of removal, I think no president will continue for a long time. So, it is absolutely necessary that such a power should not be given at this early stage. If we find, after working this Bill, that such a provision is necessary, it can be introduced then.

“ With these remarks, I would like to congratulate the Hon. Minister for Local Administration on having brought forward a measure which would really create a revolutionized administration in the villages and improve their conditions.”

* SRI M. NARAYANA MENON :—“ Sir, the Bill is really a good start. In fact, it is a wise step in the march of democracy and it will take democracy up to the doors of every house even in the remotest village. But one thing has to be remembered, namely, the warning sounded by Mr. Bhima Rao. The villagers are factious, uncultured and uneducated and are not in a position to govern themselves. That is really a warning, but we have to consider whether this Bill has not taken that matter also into consideration. On a perusal of the Bill, it is clearly seen that that also has been taken into account. It is an infant democracy and at every stage there is a check and a counter-check so that it can go on well and if the panchayat commits an error, there is the Inspector and above him there is another and thus a series of persons, to superintend the democracy and to bring it up in the right direction. So, the Bill is one of the best Bills which ought to have been introduced in this House, and the congratulation need not, in fact, come at our instance but it will be rung out when any Member reads the provisions of this Bill. The Leader of the Opposition himself if he peruses the Bill carefully, will join the chorus of praise for the Minister and for the Party on this side.

“ Now let me point out a few defects or a few things which may be corrected, so far as the Bill is concerned. One apprehension of mine is that a small number of 500 population is not a sufficiently large group. For every 500 or 600 population, a panchayat is to

[Sri M. Narayana Menon] [20th January 1950]

be constituted. If so, any clerk or any officer connected with the administration has to be paid. After all, what would be the income derived by such a panchayat, even after taxation and the contribution of 12½ per cent of land revenue by the Government? I believe it will not be large; it will not be more than Rs. 2,000 or Rs. 1,000 in some cases. In such a case, the administration will not be properly carried on. That defect, of course, may be removed later on but even now it is possible to see such a defect and suggest a remedy. So, there may be a clear provision in this Bill by which the smaller units can be enlarged into one unit having a population of 3,000 or 4,000 so that the income derived therefrom may be utilized properly for the administration of the larger unit of the panchayat. Under the provisions of this Bill, it can never go beyond 1,000 in certain cases but of course, in certain other cases it may be 10,000. Under clause 3 (1) (i) the Inspector shall declare every revenue village with a population of not less than five hundred to be a panchayat. So, if the population is 550 or 600, the Inspector will be compelled, under this clause, to declare that revenue village to be a panchayat. Under sub-clause (ii), the Inspector shall group a revenue village with a population of less than five hundred, with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than five hundred, and declare the revenue villages so grouped to be a village. Let us assume that starting with a village having a population of 300, the Inspector can add it on to a village having a population of more than 500. The result will be a total of 800 population which the Inspector may declare to be a panchayat. Can he still add to it so that he may have a panchayat of 3,000 or 4,000 or any number he likes? If that is the interpretation that may be put upon it the defect may be remedied to a certain extent but my submission is that it is better to make the provision more elastic in order that larger group could be brought into existence for proper administrative purposes.

“Then, the panchayat will have some politically educative value. Hereafter we are going to have, on account of the adult suffrage, a large number of voters in every constituency. With the coming into effect of this Bill, the panchayat people will have elections in which the people will be trained in the proper conduct of elections. If they are trained, hereafter you can get better men and the panchayat administration can be carried out with a sense of reality because the population is limited, the area is small and the attention paid will be direct. Every detail can be understood and the real difficulties of the people will be realized. When from such a village a person comes to the Legislature or for a higher appointment, he will act with a sense of reality and a large number of mistakes will not be committed in the case of legislation or administration.

20th January 1950] [Sri M. Narayana Menon]

“ Another suggestion of mine is with regard to the taxes. The Leader of the Opposition felt that the levy of tax is compulsory in every case. But in clause 63 two kinds of taxes are envisaged. One kind is compulsorily to be levied; another is optionally to be levied. Clause 63 (i) says that every panchayat shall levy in the village a house-tax, a profession-tax and a vehicle tax. The word ‘ shall ’ is used. Under clause 63 (2), a duty shall also be levied in every village on certain transfers of property in accordance with the provisions of section 67. So, there are four compulsory levies. Under sub-clause (3), the panchayat may also levy (a) a land-cess at the rate of three pies in the rupee on the annual rent value of all occupied lands, (b) a tax on agricultural land for a specific purpose and (c) fees on any commercial crop bought and sold in the village. The word ‘ may ’ is used and so this is optional taxation. You have got both optional and compulsory taxations. Unless there is compulsory taxation, how can we have a panchayat administration? What is the source of deriving money with which the administration can be carried on? So, the word ‘ shall ’ is necessary in sub-clauses (1) and (2). The panchayat itself can consider whether they should levy land-cess or tax on agricultural land or fees on commercial crops bought and sold in the village as such taxes are only optional.

“ Sir, there is one tax which may prove to be very hard on poor people, that is the tax on transfer of immovable property. I would like to submit this from my personal experience. Suppose, a person wants to borrow money on usufructuary mortgage to the extent of say Rs. 100. He has to get a stamp paper for Rs. 8 and pay registration fee. Again there is the writer and others who will have to be paid. It will come to Rs. 15. Suppose a suit has to be brought on that transaction. Then he will have to pay Rs. 12. There is the vakil's fee, which is, I think, Rs. 7. Thus it comes to Rs. 34. So in a transaction like this, a man loses something like Rs. 35 to Rs. 40 and the Government gains about Rs. 19. The rest of the amount goes as vakil's fee and other charges. I don't think that any vakil will come to argue a suit for a fee of Rs. 7, and the man will have to pay more than Rs. 7, if the suit is a complicated one. It will thus be seen that ultimately the borrower is lost. However much we may say that there is the Agriculturists' Debt Relief Act and so on, yet the borrower will certainly be lost. By this, the middle-class people in our Province will be hit very hard. Of course this is certainly not the innovation of the present Government and it has been there for a very long time. As I come across every day both lenders and borrowers, I know their feelings. I would like to say that while administering this Act, care must be taken to issue directions that so far as the transfer of property levies are concerned, they must be reduced to a minimum. I know that this is not the Act which governs this item of taxation completely and that there are some other Acts which govern this. But whatever it is,

4-30
p.m.

[Sri M. Narayana Menon] [20th January 1950]

all these things must be taken into consideration and something should be done to give relief to those who are involved in the transfer-of-property transactions. The person who executes a usufructuary mortgage may be given some relief.

“The Leader of the Opposition referred to section 40 of the Constitution Act and said that this Bill amounts to a negation of independence under its directive. That seems to be the idea of the Leader of the Opposition. I would submit that that view is really incorrect. Section 40 of the Constitution Act says, ‘The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.’ It is stated only ‘units of self-government’. That does not mean complete independent governments by themselves untouched or unchecked by any other authority. So far as the administrative affairs are concerned, it is a unit of self-governing institution. Then it may be asked, ‘Does this Bill satisfy the conditions mentioned in this Article 40?’ All of us, if we peruse the Bill, will, I am sure, find that in every matter connected with administration of the area, a panchayat has been given full powers. But there is a check. If they go wrong, there is a machinery provided to correct it. If there is any conflict, there is an authority to check it and set matters right. In that way it goes. Otherwise it is a self-governing unit. There is no doubt about that. It is probably conceived that the term ‘units’ means absolutely independent unit unconnected with the Central or Provincial Government and they can do things in whatever fashion they like and as it pleases them. I must say that it is not the intention. That is not the conception. They are only self-governing institutions and not independent units. They are self-governing institutions under a superior Government. It means only that. I submit that criticism cannot be levelled against this Act on the basis of this Article 40 of the Constitution Act.

“I do not want to refer to any other criticism either by the Members of the Opposition or others. After going through the whole Bill, I feel it my duty to point out one important thing. The unit of administration should be enlarged. There should be a certain amount of elasticity so that the population of a unit may be raised from 500 to, say, 2,000 or 3,000. I request the Hon. Minister to keep these points in mind and when necessary and if possible such amendments may be made as will help the proper administration of the panchayats.”

SRI S. B. ADITYAN :—“Mr. President, Sir, as there appears to be some kind of gap, I thought I could fill up the gap by telling the House what I feel about the provisions on this Act. Sir, there are 138 sections in the whole of this Act and it is quite possible to deal with any particular aspect. First of all, we have the constitution of the panchayats—there are presidents, vice-presidents,

20th January 1950] [Sri S. B. Adityan]

members and executive officers and other servants and officials of the panchayats. There are also the duties and powers of the various officials provided for the proper working of the self-government. Now I would rather like to deal with the financial aspect. The Leader of the Opposition has dealt with this and Hon. Suryanarayana Rao also has dealt with the financial aspect. I feel that I will be quite right and proper if I dealt with that particular aspect. For a casual observer it looks as though there are various contradictory provisions in the financial section, particularly section 63 and the following sections. It seems to the first reader that there are some provisions for compulsory taxation—house-tax, profession-tax, vehicle-tax and so on. There are some other optional taxes. There are some taxes which the panchayats must impose and some which they may or may not impose. It looks as though that it has been rather casual and cursory. But on a proper reading of the Bill, one will find that a great deal of thought and time and careful consideration has been given to the whole scheme. It is a well-planned Act—not only the preliminary provisions, but particularly the financial provisions. Dealing with the financial resources of the panchayats, we find that there are various kinds of resources. First of all you have the Government grant which is expected to be about one crore of rupees. Now one has to consider whether this grant would by itself be sufficient to run any panchayat. Let us take that ordinarily a panchayat will consist of a 1,000 people. Although the minimum which is stated in the Bill is 500 persons, let us take on an average that a standard panchayat will consist of about 1,000 persons. If it consists of a 1,000 people, then the Government grant which works out, I believe, at the rate of one-fifth of a rupee per head comes to about Rs. 200. A small panchayat will get a grant of Rs. 100 and a bigger village panchayat might get Rs. 200. Now considering the various duties placed upon the panchayats, it is quite obvious that the Rs. 200 will be quite insufficient. Therefore other sources must be found and there ought to be taxation. The various duties which are placed on the panchayat again are well thought out and planned. There are certain compulsory duties and certain optional duties, compulsory duties such as roads, drains and cleansing, which ought to be performed by a panchayat. Now there are also optional duties, such as provision of schools or dispensaries or welfare centres. These are optional duties. That is, it is open to the panchayat to take up responsibilities on these or they may not. Now the Government grant, viz., Rs. 200 for a population of 1,000 will be wholly insufficient even for attending to the compulsory duties. Well, if the village has to be cleansed, this Rs. 200 will not be sufficient even to pay the sweeper or scavenger. Therefore it will be seen that enough grant ought to be supplemented by other sources. What is provided in this Act is certain standard or compulsory sources. These are four.

“ First of all you have got the house-tax, then profession-tax, vehicle-tax, and the transfer of property fee. These are fixed or

[Sri S. B. Adityan]

[20th January 1950]

standard compulsory sources of revenue. If you carefully look at these sources, you will find again that it is not done in a careless manner. A great deal of planning, thought and consideration had gone into the whole system of the taxation measures. For instance it is a well-known theory that the tax will fall on the shoulders of those who are capable and who can afford to pay. Take every one of these taxes. You will find that it conforms to the well-known standards of taxation. Take the house-tax. You will find that the huts are altogether excluded. It is beyond the powers of the panchayats to tax a hut. Only those who live in houses and can pay these taxes and contribute for public good are taxed. Then again take the profession-tax. It is not as though anybody can be taxed. It is provided that it is subject to a maximum. Section 63 and the following sections have provided for this. These are again within the limits of the maximum and the minimum which are provided in the rules. It has to be borne in mind that there will be good panchayats run by efficient people who will not be afraid of taxing. There may be other panchayats run by rather timid or weak-minded persons who will hesitate before placing even a reasonable tax. Therefore, every panchayat is asked to work within a space of maximum and minimum. Then again the third tax is the vehicle-tax. Now as would be seen from the house-tax and profession-tax, people who own vehicles are not absolutely incapable of paying a small tax. These people can as well share the contribution for the public good. Then again as regards the transfer of property fee, I am sure not even the Leader of the Opposition can find fault with the taxation on transfer of property because only well-to-do persons who have property are intended to be taxed."

DR. V. K. JOHN :—" Not only the well-to-do."

4-45
P.m.

SRI S. B. ADITYAN :—" I have seen that the Opposition is anxious to pick holes where holes do not exist. It will find mistakes where none exist. Here, in this case also, it is the same thing the Opposition is trying to do. Now, Sir, the principle underlying the taxation clause strictly conforms to any taxation standard one knows of. Now let us see the fourth compulsory source, viz., transfer of property. This is a source of revenue which was duly considered before its introduction into the Bill. It, along with the other sources, constitutes a revenue which is more or less compulsory, fixed and standard. Apart from these, there is the Government grant also. So, if one works out these things, one will find that these sources will be ordinarily sufficient to meet the cost of day-to-day administration of the village. That is, with the aid of these provisions, the panchayat will be able to perform its routine functions as also the compulsory ones. For instance, lighting, drainage and roads involve some expenditure and this can be easily met from the funds I have mentioned just now. Of course, there are several other activities for which the panchayat may require provision, such as opening of dispensaries, schools and certain other

20th January 1950] [Sri S. B. Adityan]

public utility schemes. Sir, this work can be undertaken by drawing the necessary funds from what I may call the 'optional' sources. Clause 63, which provides for certain levies by the panchayat, can be taken advantage of in this regard. I call this optional because it will only be *open* to the panchayat to impose a cess on land, for example, and it need not necessarily do so. This levy also covers commercial crops. Cotton and potatoes may bring in a good revenue as they are the so-called money crops. There is also provision to levy fees on markets, cart-stands and even slaughter-houses. Therefore, I hope that such of the panchayats as are anxious to undertake development works will certainly take advantage of this provision and they will be well advised to do so.

"Sir, I may point out here that this is not a taxation measure as was mentioned by the Leader of the Opposition. If I am correct, I think we have no powers here to vote on any measure of taxation and this House can only discuss the same. I believe it will be a different thing after the 26th January when we are going to get additional powers."

MR. PRESIDENT :--"Yes, wider powers."

SRI S. B. ADITYAN :—"I repeat this is not a taxation measure and it is not as though any portion of the taxes levied in the villages is going to be taken over by the Government. The taxes collected in the villages will be spent on the villages themselves by the panchayat. I may mention in this connection, with the permission of the Hon. the Minister in charge of this Bill, that I suggested another source of revenue and it was promised at every stage by those who were connected with the Bill in the Select Committee . . ."

MR. PRESIDENT :—"May I state what I am feeling about the way in which the Chief Whip is handling the subject? As I am listening to his speech, it looks as though he is trying to make suggestions to the Government to do this or not to do that. There is a Bill before the House with certain definite clauses and objections are raised to it by the Opposition. If hon. Members want to make suggestions as to how a particular thing should be done or why a particular provision should be included in the Bill, I am afraid, it is too late to advance such arguments as, as I have pointed out, any amount of discussion or suggestions will not induce the Government to change the provisions of the Bill except perhaps by way of amendments to be brought in by the Members, and accepted by the Government. Now, when I gave an opportunity to the hon. Member to speak, I expected he was going to refute the arguments put forth by the Opposition in objecting to certain of the provisions of the Bill but he has not done that. I would, therefore, request hon. Members to confine their remarks to the provisions of the Bill as it is presented here."

[20th January 1950]

DR. V. K. JOHN :—“ They do not want to give amendments but they want to say that the Bill is defective.” (Laughter.)

SRI S. B. ADITYAN :—“ Sir, I was trying to point out to the House what had actually happened and at the same time I was telling that the Leader of the Opposition was interested in . . . ”

MR. PRESIDENT :—“ I gave an opportunity to the Chief Whip to speak in order that he may prove as strong and as violent as the Opposition (laughter) but he has not done so.”

SRI R. SURYANARAYANA RAO :—“ He is very mild, Sir.” (Laughter.)

SRI S. B. ADITYAN :—“ Sir, I rose to speak as there were no hon. Members to speak now. To fill the gap I thought I could keep speaking till 5 of the clock.”

MR. PRESIDENT :—“ It is not so. There are many hon. Members who would like to speak. If the hon. Member will remember, I did not allow him to interject when the Leader of the Opposition was speaking, because I thought of giving him a chance to refute the points the Opposition might make.”

DR. V. K. JOHN :—“ What we see in the Chief Whip is not violence, Sir, but enthusiasm.” (Laughter.)

SRI S. B. ADITYAN :—“ Sir, even on a cursory reading it would appear that the scheme was well planned and well thought out. A point was made that the villages are a hot-bed of factions and hence the levy of taxes will be a failure from the point of view of collection. I may state, Sir, that in this matter the only factor to be considered is the ability of the villager to pay and if that is satisfied the next thing is what would be the best system to collect the taxes. I cannot at the present time think of a better system that can be evolved, than the one envisaged in the Bill. My hon. Friend, Mr. Suryanarayana Rao, made mention of the basis on which grants by Government are to be made. He suggested that it was not fair to have population as the basis. I may inform the House that this aspect was also thoroughly considered and well discussed by the Government and I am sure that the Hon. the Minister will deal with this exhaustively as he should know better than I know. But I should say, Sir, that it was the wish of the people of the dry districts that the grant should be made in accordance with the population of the area and not with reference to the revenue yield. The Bill says that a certain amount will be levied per head. If the grant should be made on the basis of this levy, a village with a population of 1,500 may get a hundred rupees by way of grant. But the people

20th January 1950] [Sri S. B. Adityan]

in the dry districts may not get even this amount in view of their slender resources and the consequent fall in the revenue from those villages. Therefore, the lesser of the two evils, they must go in for. Sir, the Government have done well to see that no choice vests in the officer who is to make the grants as to the basis that should determine the grant. The officer concerned should distribute or divide the available resources of the panchayats on the strength of the population in every village. This arrangement is an insurance against charges of partiality that may be levelled against the officer concerned or the Government. Sir, if hon. Members will look into the original Bill, they will find a provision in it allowing discretion to the Government or the Inspector to make grants. The Government felt since then that there should be certainty in this matter and the grant should be made on a uniform basis throughout the villages.

“ Finally, Sir, I may state one thing. Those who are want to find fault with a Bill will always do so irrespective of its merits. For instance, if the Bill is made flexible—that is if discretion is allowed to the Government in certain matters—then they will say and will allege that the Government are trying to have all powers for themselves. Again, if that flexibility is taken away—in the interests of the people and in a limited sphere—they will call it rigid. It is always possible for the advocates and lawyers to turn their arguments in any manner they like and to find fault with any provision whatever may be the merits of it. So, all that was to be considered by the Government was whether to have certain of the provisions flexible or fixed, and what would be more advantageous to the villagers. Ultimately, it was decided in this particular matter, viz., making of grants, that the wishes of the people of the dry areas should be given special consideration and in pursuance of that decision, population has been made the basis. I may point out one instance here. Tanjore is a place which gives a very good yield. If this were taken as the criterion, then the dry districts will get practically nothing. Population, therefore, will render more justice to the dry districts than it does to others.

“ In conclusion, I may observe that whatever the angle from which the Bill may be viewed, it must be stated that anxious thought and consideration was given to the various provisions of the Bill, particularly those relating to finance, in order to make the scheme workable.”

VI.—MESSAGES FROM THE GOVERNOR

MR. PRESIDENT :—“ I have to announce to the House that I have received the following messages from His Excellency the Governor of Madras :—

‘ In pursuance of section 299, sub-section (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Village Panchayats Bill, 1950, in the Madras Legislative Council.’

[Mr. President]

[20th January 1950]

In pursuance of section 82, sub-sections (1) and (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Village Panchayats Bill, 1950."

I now adjourn the House to meet again at 11 a.m. to-morrow."

The House then adjourned.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. G.O. No. 2557, L.A., dated 21st December 1949, regarding postponement of the date of elections to Ambapuram Panchayat Board (Krishna).

2. The Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Assembly and received therefrom in the Council.



20th January 1950]

APPENDIX I.

PART I.

[Vide answer to starred question No. 114 asked by Sri N. Sankara Reddi at the meeting of the Legislative Council held on 20th January 1950, page 1115 supra.]

Statement showing the distribution of Tractors in the districts.

Serial number and name of district.	Number of tractors.	Number of bull-dozers attached to the tractors shown in column (2).
(1)	(2)	(3)
1 North Visakhapatnam	4	1
2 South Visakhapatnam	5	2
3 West Godavari	5	1
4 East Godavari	5	2
5 Krishna	4	1
6 Guntur	5	1
7 Nellore	6	2
8 Kurnool	3	1
9 Anantapur	7	1
10 Bellary	6	1
11 Cuddapah	6	3
12 Chittoor	7	3
13 North Arcot	7	2
14 Chingleput	19	7
15 South Arcot	8	2
16 Tanjore	12	2
17 Arakuvalley (Visakhapatnam district) ..	1	..
18 Tiruchirappalli	6	2
19 Mathurai	5	1
20 Tirunelveli	5	1
21 Ramnad	7	1
22 Salem	7	2
23 Coimbatore	14	5
24 Nilgiris	1	1
25 Malabar	4	1
26 South Kanara	4	2
	163	48

[20th January 1950]

PART II.

Districtwar income to Government through hiring of departmental tractors, bull-dozers, etc., for the year 1948-49

Serial number and district.				RS.	A.	P.
1	North Visakhapatnam	..	..	3,510	0	0
2	South Visakhapatnam	..	..	8,480	0	0
3	East Godavari	..	..	11,470	0	0
4	West Godavari	..	..	2,677	0	0
5	Krishna	..	..	2,170	0	0
6	Guntur	..	..	7,681	4	0
7	Nellore	..	..	11,932	0	0
8	Kurnool	..	..	1,698	0	0
9	Anantapur	..	..	8,971	0	0
10	Bellary	..	..	6,393	0	0
11	Cudapah	..	..	5,008	4	0
12	Chittoor	..	..	10,853	0	0
13	North Arcot	..	..	7,279	0	0
14	Chingleput	..	..	33,330	13	0
15	South Arcot	..	..	10,528	8	0
16	Tanjore	..	..	58,139	15	9
17	Arakuvalley (Visakhapatnam district)	..	..	638	0	0
18	Tiruchirappalli	..	..	8,072	11	0
19	Mathurai	..	..	11,150	0	0
20	Tirunelveli	..	..	6,801	15	0
21	Ramnad	..	..	9,741	4	9
22	Salem	..	..	14,035	0	4
23	Coimbatore	..	..	58,902	0	0
24	The Nilgiris	..	..	790	0	0
25	Malabar	..	..	7,339	0	0
26	South Kanara	..	..	6,196	4	9
				3,13,788	0	7

20th January 1950]

APPENDIX II.

[Vide item V on page 1123 supra]

L.A. BILL No. 22 OF 1949.

(As passed by the Assembly.)

A Bill to make better provision for the administration of village affairs by panchayats.

WHEREAS it is expedient to make better provision in a separate enactment for the administration of village affairs by panchayats ; It is hereby enacted as follows :—

CHAPTER I. — PRELIMINARY.

1. (1) This Act may be called the Madras Village Panchayats Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras except the City of Madras, the municipalities governed by the Madras District Municipalities Act, 1920, and the cantonments governed by the Cantonments Act, 1924.

Madras Act V of 1920.
Central Act II of 1924.

(3) It shall come into force on such date as the Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'building' includes a house, outhouse, stable, latrine, shed, hut wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, brick, wood, mud, metal or any other material whatsoever ;

(2) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy ;

(3) 'Collector' means the Collector of the revenue district ;

Central Act VII of 1913.

(4) 'company' means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the Province of Madras, whether incorporated or not, and whether its principal place of business is situated in the said Province or not ;

Madras Act XIV of 1920.

(5) 'district board' means the body constituted for the local administration of a district under section 6, sub-section (1), of the Madras District Boards Act, 1920 ;

[20th January 1950]

(6) 'election authority' means such authority, not being the president or vice-president or a member of the panchayat, as may be prescribed ;

(7) 'executive authority' means—

(i) in the case of a panchayat having an executive officer, the executive officer, and if there is no executive officer in charge, the president of the panchayat ;

(ii) in the case of any other panchayat, the president thereof ;

(8) 'executive officer' means the executive officer of a panchayat ;

(9) 'Government' means the Provincial Government ;

(10) 'house' means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand ;

(11) 'hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the panchayat may declare to be a hut for the purposes of this Act ;

(12) 'Inspector' means the Inspector of Municipal Councils and Local Boards, and includes any officer who is authorized by the Government to exercise or perform any of the powers or duties of the Inspector under this Act ;

(13) 'latrine' includes privy, water-closet and urinal ;

(14) 'member' means a member of a panchayat ;

(15) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy ;

(16) 'panchayat' means the body constituted for the local administration of a village under this Act ;

(17) 'prescribed' means prescribed by the Government by rules made under this Act ;

(18) 'president' means the president of a panchayat ;

(19) 'private road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path which is not a 'public road,' but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises ;

20th January 1950]

(20) 'public road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(a) the roadway over any public bridge or causeway ;
(b) the footway attached to any such road, public bridge or causeway ; and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, veranda or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Provincial or Central Government ;

(21) a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning ;

(22) 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any, included in—

(a) the City of Madras including Fort St. George with the glacis ;

Madras Act
V of 1920.

(b) municipalities constituted under the Madras District Municipalities Act, 1920 ; and

Central Act
II of 1924.

(c) cantonments constituted under the Cantonments Act, 1924 ;

and includes a hamlet in existence at the commencement of this Act and notified by the Inspector to be a revenue village for the purposes of this Act ;

(23) 'Scheduled Castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the local area concerned ;

Madras Act
V of 1882.

(24) 'unreserved forest' means forest not notified under section 4 of the Madras Forest Act, 1882, and includes unreserved land at the disposal of the Government.

(25) 'village' means any local area which is declared to be a village under this Act ;

(26) 'water-course' includes any river, stream or channel, whether natural or artificial ;

(27) 'year' means the financial year.

[20th January 1950]

CHAPTER II.—CONSTITUTION, GOVERNMENT AND CONTROL OF
PANCHAYATS.

Power of
Inspector to
constitute
and alter
villages for
purposes of
the Act.

3. (1) The Inspector shall, as soon as may be after the commencement of this Act, by notification—

(i) declare every revenue village with a population of not less than five hundred to be a village for the purposes of this Act and specify the name of such village ;

(ii) group a revenue village with a population of less than five hundred, with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than five hundred, declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village.

(2) (a) The Inspector may, by notification, exclude from a village any revenue village comprised therein, provided that the population of the village, after such exclusion, is not less than five hundred.

(b) In regard to any village so excluded, the Inspector shall take action under sub-section (1) according as it has population of not less than five hundred or of less than five hundred, as the case may be.

(c) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1), the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanation and objections, if any, of such panchayat or panchayats.

(3) The Inspector may pass such orders as he may deem fit—

(a) as to the disposal of the property vested in a panchayat which has ceased to exist, and the discharge of its liabilities ;

(b) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Inspector may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat or where a panchayat has ceased to exercise jurisdiction over any local area such tax, fee or other sum due to the panchayat as relates to that area shall be payable to such authorities as may be specified in the order ;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat ceased to exist, or as the case

20th January 1950]

may be, on the date on which the panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. (1) A panchayat shall be constituted for each village with effect from a date specified in that behalf in the notification issued under section 3, sub-section (1). Constitution of panchayats for villages and their incorporation.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the panchayat but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or executive authority, or to the district board or any other authority.

(3) Every panchayat shall be a body corporate by the name of the village specified in the notification issued under section 3, shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

5. (1) (a) The Government shall classify panchayats with jurisdiction over a population estimated at not less than five thousand and with an estimated annual income of not less than ten thousand rupees as Class I panchayats. Classification of panchayats.

(b) Other panchayats shall be known as Class II panchayats.

(2) The Government may alter the classification of a panchayat if in their opinion the panchayat satisfies or ceases to satisfy the conditions referred to in sub-section (1), clause (a).

(3) Any decision made by the Government under this section shall not be questioned in any Court of law.

6. (1) The total number of members of a panchayat, exclusive of its president shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population. Strength of a panchayat.

(2) The Inspector may from time to time by notification alter the total number of members of a panchayat notified under sub-section (1).

(3) The number notified under sub-section (1) or the number as altered by notification under sub-section (2) shall not be less than five or more than fifteen.

7. The members of the panchayat shall be elected in such manner as may be prescribed. Elected members.

[20th January 1950]

Reservation
of seats for
members of
Scheduled
Castes.

8. (1) In every panchayat, the Inspector may, subject to such rules as may be prescribed, by notification, reserve such number of seats, if any, as he thinks fit for the members of the Scheduled Castes, with due regard to their population in the village.

(2) Any reservation made under sub-section (1) shall have effect only until the first ordinary elections to the panchayat after the expiration of a period of ten years from the commencement of this Act.

(3) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.

Division
into wards.

9. (1) For the purpose of electing members to a panchayat, the Inspector shall, after consulting the panchayat, by notification divide the village into wards and determine the number of members to be returned by each ward.

(2) A Class I panchayat village shall be divided into not less than five wards and a Class II panchayat village shall be divided, if it has a population of 1,000 or less, into two wards and if it has a population of more than 1,000 into not more than five wards.

Term of
office of
elected
members.

10. (1) The term of office of the members of every panchayat who are elected at ordinary elections shall, save as otherwise expressly provided in, or may be prescribed under, this Act, be three years beginning at noon on the day on which the vacancies occur :

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any panchayat as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.

(2) Ordinary vacancies in the office of an elected member of a panchayat shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit :

Provided that the Government may for sufficient cause direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(3) (a) Every casual vacancy in the office of an elected member of a panchayat shall be reported by the executive authority to the election authority within such time as may be prescribed.

(b) A member elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

20th January 1950]

(c) Unless the Inspector otherwise directs, no casual election shall be held to a panchayat within three months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

11. (1) If, at any ordinary or casual election, no person is elected to fill the vacancy or one or more of the vacancies, as the case may be, a fresh election shall be held on such day as the Inspector may fix. Panchayat to elect members in certain cases and the term of office of such members.

(2) If at such fresh election also, no person is elected to fill the vacancy or any of the vacancies, as the case may be, the panchayat may, in the manner prescribed, elect a qualified person to fill such vacancy.

(3) The term of office of a member of a panchayat elected under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

12. (1) An electoral roll for each panchayat showing the names of persons qualified to vote at elections thereto, shall be prepared and published, and shall be revised, at such times, by such authority, and in such manner as may be prescribed. Preparation and publication of electoral roll and qualifications for inclusion therein.

(2) Every person whose name is included or who is qualified to be included in that part of the electoral roll for any territorial or special constituency of the Madras Legislative Assembly which relates to the village or any portion thereof shall be entitled to be included in the electoral roll for the panchayat, and no other person shall be entitled to be included therein.

Explanation I.—Where in the electoral roll of any territorial or special constituency of the Madras Legislative Assembly there is no distinct part relating to the village, the following persons shall be entitled to be included in the electoral roll for the panchayat :—

(a) All persons who are entered in such roll under the registration area comprising such village and whose addresses as entered in such roll are situated in such village.

(b) All persons who are qualified to be included in such roll under the registration area aforesaid and who reside in such village.

Explanation II.—In this sub-section, the expressions “territorial constituency” and “special constituency” shall have the same meaning as in the Government of India (Provincial Legislative Assemblies) Order, 1936, as in force for the time being.

[20th January 1950]

(3) The name of any person shall not be included in the electoral roll for a panchayat in more than one place.

(4) The electoral roll for the panchayat shall be divided into separate parts for each ward.

(5) Every person whose name appears in the electoral roll for the panchayat shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that a person who is of unsound mind, a deaf-mute or a leper, shall not be entitled to vote at any election.

Qualifica-
tion of
candidates.

13. No person shall be qualified for election as a member of a panchayat unless his name appears on its electoral roll.

Disqualifi-
cation of
officers and
servants of
Government
and local
bodies.

14. (1) No village headman, karnam, or village servant and no other officer or servant of the Provincial or Central Government or of a panchayat, district board, municipal council or the Corporation of Madras shall be qualified for election as a member or for holding office as an elected member.

(2) If any question arises either before or after an election, whether any person is or is not disqualified under this section the question shall be referred to the Government whose decision shall be final.

Disqualifi-
cation of
persons
convicted
of election
offences.

15. Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat, for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine. Central Act
XLV of
1860.

Disqualifi-
cations of
candidates.

16. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof:

Provided that the Government may direct that such sentence shall not operate as a disqualification.

(2) A person shall be disqualified for election as a member if, at the date of nomination or election, he is—

(a) of unsound mind, a deaf-mute or a leper;

20th January 1950]

(b) an applicant to be adjudicated an insolvent or an undischarged insolvent ;

(c) interested in a subsisting contract made with, or any work being done for, the panchayat, except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act ;

(d) employed as paid legal practitioner on behalf of the panchayat or as legal practitioner against the panchayat ;

Central Act
V of 1898.

(e) an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village ;

(f) already a member of the panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the panchayat whose term of office has not yet commenced ;

(g) the servant or employer or the official subordinate or official superior of a member holding office at the said date ; or

(h) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

17. Subject to the provisions of section 19, a member shall cease to hold office as such if he— Disqualifications of members.

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 16 :

Provided that the Government may direct that such sentence shall not operate as a disqualification ;

(b) becomes of unsound mind, a deaf-mute or a leper ;

(c) applies to be adjudicated, or is adjudicated an insolvent ;

(d) acquires any interest in any subsisting contract made with, or work being done for, the panchayat except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act ;

(e) is employed as paid legal practitioner on behalf of the panchayat, or accepts employment as legal practitioner against the panchayat ;

(f) is appointed as an officer or servant under this Act ;

(g) is appointed as an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village ;

Central Act
V of 1898.

[20th January 1950]

(h) accepts employment under or becomes the official subordinate of any other member ;

(i) ceases to reside in the village ;

(j) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the executive authority of the panchayat to serve at the earliest possible date) has been duly served upon him by the executive authority ;

(k) absents himself from the meetings of the panchayat for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under section 18, sub-section (1), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a member absented himself shall be counted against him under this clause if—

(i) due notice of that meeting was not given to him ; or

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting ; or

(iii) the meeting was held on a requisition of members ; or

(l) is removed from office under section 132, sub-section (4).

Restoration
of members
to office.

18. (1) Where a person ceases to be a member under section 15 or clause (a) of section 17, he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, or the disqualification caused by the sentence is removed by an order of the Government ; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be a member under clause (k) of section 17, the executive authority shall at once intimate the fact in writing to such person and report the same to the panchayat at its next meeting. If such person applies for restoration *suo motu* to the panchayat on or before the date of its next meeting or within fifteen days of the receipt of such intimation, the panchayat may at the meeting next after the receipt of such application restore him to office of member :

20th January 1950]

Provided that a member shall not be so restored more than twice during his term of office.

19. (1) Whenever it is alleged that any person who has been elected as a member of a panchayat is not qualified or has become disqualified under section 13, 15, 16 or 17 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he is not qualified or has become disqualified under section 15, 16 or 17, such member or any other member may, and the executive authority shall, on the direction of the panchayat or of the Inspector, apply to the prescribed judicial authority whose decision shall be final.

Authority to decide questions of disqualification of members.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

President and vice-president.

20. There shall be a president and a vice-president for every panchayat.

President and vice-president of panchayat.

21. (1) The president shall be elected by the persons whose names appear in the electoral roll for the panchayat, from among themselves.

Election and term of office of president.

If at an election held under this sub-section no president is elected, a fresh election shall be held :

Provided that no member shall be eligible to stand for election as president :

Provided further that a person who stands for election as president shall not be eligible to stand for election as a member.

(2) The election of the president may be held at the same times and in the same places as the ordinary elections of the members of the panchayat.

(3) Save as otherwise expressly provided in or prescribed under this Act, the term of office of the president who is elected at an ordinary election shall be three years beginning at noon on the day on which the vacancy occurs, and if such election is held after the occurrence of the vacancy, his term of office shall commence from the date of his election and expire at the time at which it would have expired if he had been elected before the occurrence of the vacancy.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the president shall be filled by a fresh election and a person elected as president in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

[20th January 1950]

(5) Unless the Inspector otherwise directs no casual vacancy in the office of the president shall be filled within three months before the date on which the ordinary election of the president under sub-section (1) is due.

(6) The provisions of sections 14 to 19 shall apply in relation to the office of the president as they apply in relation to the office of an elected member of the panchayat.

(7) The president shall be an *ex-officio* member of the panchayat and shall be entitled to vote at meetings of the panchayat.

Election of
vice-presi-
dent.

22. The vice-president shall be elected by the panchayat from among its members.

If at an election held under this section no vice-president is elected, a fresh election shall be held.

Cessation of
office of
president
and vice-
president.

23. The president or vice-president shall cease to hold office as such—

(a) in every case, on his election as president or vice-president of the district board or of any other panchayat in the district;

(b) in the case of the president, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office;

(c) in the case of the vice-president, on the expiry of his term of office as a member or on his otherwise ceasing to be a member or on his election as president.

Functions
of the
president.

24. The president shall—

(a) make arrangements for the election of the vice-president;

(b) convene the meetings of the panchayat;

(c) have full access to the records of the panchayat;

(d) discharge all the duties and exercise all the powers specifically imposed or conferred on the president by this Act.

Devolution
and
delegation
of presi-
dent's
functions
and filling
up of
vacancies in
the office of
president.

25. (1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected and assumes office.

(2) If the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-president.

(3) When the office of president is vacant or the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a

20th January 1950]

vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf.

The member of the panchayat so appointed (who shall be styled the temporary president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a new president or vice-president is declared elected and assumes office, or either the president or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported to the election authority, by such person and within such time as may be prescribed, and the election authority shall arrange for the election of the president.

(5) Subject to such rules as may be prescribed, the president may, by an order in writing, delegate any of his functions, with such restrictions and conditions as may be specified in the order, to the vice-president, or in case there is a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, to any member.

(6) The reference to the president's functions in sub-sections (1), (2), (3) and (5) shall, where he is also the executive authority, be deemed to include a reference to his functions as executive authority.

(7) The president shall have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2) or delegated to the vice-president or any member under sub-section (5).

Members.

26. (1) Any member may call the attention of the executive authority to any neglect in the execution of panchayat work, to any waste of panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable. Rights of individual members.

(2) Every member shall have the right to move resolutions and to interpellate the president on matters connected with the administration of the panchayat, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat after giving due notice to the executive authority, provided that the executive authority may, for reasons given in writing, forbid such access.

[20th January 1950]

No president, vice-president or member to receive remuneration.

27. No president, vice-president or member shall receive, or be paid from the funds at the disposal of or under the control of the panchayat any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

The executive officer.

Appointment of executive officers of certain panchayats.

28. (1) A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf.

(2) In the case of every panchayat not so notified and also in the case of any panchayat so notified, if there is no executive officer in charge, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(4) The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Government.

(5) The panchayat shall also make—

(a) if the executive officer is in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf;

(b) if the executive officer is not in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(6) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

Functions of executive officer.

29. The executive officer shall—

(a) have the right to attend the meetings of the panchayat or of any committee thereof and take part in the discussions thereat but without the right to move any resolution or to vote;

(b) attend any meeting of the panchayat or of any committee thereof if required to do so by the presiding officer.

20th January 1950]

Powers and duties of the executive authority.

30. The executive authority shall—

Functions of
the executive
authority.

(a) carry into effect the resolutions of the panchayat :

Provided that where the president considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall refer the matter to the Government for orders, and their decision shall be final.

(b) control all the officers and servants of the panchayat ;

(c) discharge all the duties and exercise all the powers specifically imposed or conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

31. The executive authority may in cases of emergency Emergency powers of executive authority.
direct the execution of any work or the doing of any act which requires the sanction of the panchayat and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund :

Provided that—

(a) he shall not act under this section in contravention of any order of the panchayat prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the panchayat at its next meeting.

32. The Inspector may, by general or special order, Exercise of functions of executive authority by Health Officer in certain cases.
authorize the Health Officer of a panchayat, or if there is no such officer, the Health Officer of the district, to exercise such of the functions of an executive authority under this Act in such area and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

33. Subject to such restrictions and control as may be Delegation of functions of executive authority.
prescribed, the executive authority may, by an order in writing delegate any of his functions as such—

(i) if he is the president, to the vice-president and in the absence of the vice-president, to any other member ;

(ii) if he is not the president, to the president ; in the absence of the president, to the vice-president ; and in the absence of both the president and vice-president, to any other member.

[20th January 1950]

The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

Establishment.

Officers and
servants of
panchayats.

34. (1) Subject to such rules as may be made under sub-section (2), the Inspector shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of every panchayat, other than the executive officer :

Provided that in an emergency, the executive authority may, subject to such rules as may be prescribed, employ temporarily additional officers and servants.

(2) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats, other than the executive officers, and the classification, methods of recruitment, pay and allowances, discipline and conduct, and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of panchayats other than the executive officers into a separate service for the whole of the province.

(3) Two or more panchayats may, subject to such rules as may be prescribed, and shall if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them.

(4) Notwithstanding anything contained in this Act, the Madras District Municipalities Act, 1920, or the Madras District Boards Act, 1920, any officer or servant of a panchayat (including the executive officer) may be transferred—

Madras Act
V of 1920.
Madras Act
XIV of 1920

(i) to the service of any other panchayat by the Inspector ;

(ii) to the service of any district board constituted under the Madras District Boards Act, 1920, or of any municipality constituted under the Madras District Municipalities Act, 1920, by the Government :

Madras Act
XIV of 1920
Madras Act
V of 1920.

Provided that no officer or servant (other than the executive officer) shall be so transferred except after consulting—

(a) the executive authorities of the panchayats concerned in cases falling under clause (i) of this sub-section ; and

(b) the district board or municipal council concerned and the executive authority of the panchayat in cases falling under clause (ii) of this sub-section.

20th January 1950]

Any authority making a transfer under this sub-section may issue such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

(5) The Inspector may recover from a panchayat the whole or such proportion of the salary and allowances paid to any officer or servant of the panchayat other than the executive officer, and such contribution towards his leave allowances, pension and provident fund, as the Government may by general or special order determine, in the following cases, namely :—

(a) where such officer or servant was appointed to the service of the panchayat by the Government ; and

(b) where such officer or servant is a servant of the Government.

(6) All officers and servants of the panchayat shall be subordinate to the executive authority, and save as otherwise provided in this Act or in the rules made thereunder and subject to such restrictions and control and such rights of appeal as may be prescribed in such rules, the executive authority may—

(a) appoint all officers and servants of the panchayat ;

(b) grant leave to any such officer or servant ; and

(c) for any good and sufficient reason, censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any such officer or servant.

(7) The provisions of this section shall also apply to the public health establishments of panchayats, notwithstanding anything contained in the Madras Public Health Act, 1939.

[Madras Act
III of 1939.

(8) (i) Notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the Inspector may—

(a) appoint such engineering and other staff as he considers necessary for the purposes of any panchayat and recover from it the salary and allowances paid to the members of such staff and such contributions towards their leave allowances, pension and provident fund as he may, by general or special order, determine ;

(b) appoint a common engineering or other staff for the purposes of two or more panchayats and recover from each of the panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension and provident fund as he may, by general or special order, determine.

(ii) The pay and allowances and conditions of service of any member of the staff appointed under clause (i) shall be such as may be prescribed.

[20th January 1950]

Procedure.

Presidency
at meetings.

35. (1) Every meeting of a panchayat shall be presided over by the president, in his absence, by the vice-president, and in the absence of both the president and the vice-president, by a member chosen by the meeting to preside for the occasion.

(2) The president shall preserve order and decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

Minutes of
proceedings.

36. A copy of the minutes of the proceedings at every meeting of a panchayat as well as of all minutes of dissent in respect of such proceedings received from any member (other than the president) present at the meeting within 48 hours of the close thereof shall be submitted by the president within three days of the date of the meeting to the Inspector :

Provided that the Inspector may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

Power of
panchayat
to call for
records.

37. A panchayat may require the executive authority to produce any document which is in his custody and he shall subject to such rules as may be prescribed, comply with every such requisition.

Proceedings
of pancha-
yats and
committees.

38. (1) The proceedings of every panchayat and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the panchayat with the approval of the Inspector.

(2) The Inspector shall have power to add to, omit, or alter any regulations submitted for his approval under sub-section (1).

(3) The rules referred to in sub-section (1) may provide for preventing any member or president or any member or chairman of a committee from voting on, or taking part in the discussion of, any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest, whether by himself or through some other person, or from being present or presiding at any meeting of the panchayat or of the committee during the discussion of any such matter.

Appoint-
ment of
joint com-
mittees.

39. (1) A panchayat may, and if so required by the Inspector shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

20th January 1950]

(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connexion with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

40. (1) Every panchayat shall submit to the Inspector a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed. Administration report.

(2) The report shall be prepared by the executive authority and the panchayat shall consider it and forward the same to the Inspector with its resolutions thereon, if any.

(3) The Inspector shall submit to the Government a general report on the administration of panchayats in the Province during the year.

Validation of proceedings.

41. No act of a panchayat or of a committee thereof or of any person acting as president, vice-president, chairman or member of such panchayat or committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or committee, or on the ground that the president, vice-president, chairman or any member of such panchayat or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman or member of such panchayat or committee. Acts of panchayats, etc., not to be invalidated by informality, vacancy, etc.

Control.

42. (1) The Inspector shall supervise the administration of all panchayats in the Province and shall also exercise the powers and perform the duties vested in him by or under this Act. He shall be assisted by one or more Regional Inspectors appointed by the Government. Inspecting and superintending officers and their and the Government's powers.

(2) (a) The Government may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the panchayats constituted under this Act.

(b) In particular and without prejudice to the generality of the foregoing provision, the Government may appoint one or more District Panchayat Officers and one or more Deputy Panchayat Officers for each revenue district.

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers

[20th January 1950]

referred to in clauses (a) and (b) and of the members of their establishment.

(3) The cost of the officers and the members of the establishment aforesaid shall be paid out of the revenues of the Province.

(4) The District and the Deputy Panchayat Officers shall exercise such powers and perform such duties as may be prescribed, or as may be delegated to them under this Act.

(5) The Inspector or the Collector or any officer appointed under sub-section (1) or any other officer or person whom the Government, or the Inspector or the Collector may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected—

(a) any immovable property, or any work in progress, under the control of any panchayat or executive officer ;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any panchayat and any records, registers or other documents kept in such institution ;

(c) the office of any panchayat and any records, registers or other documents kept therein.

Panchayats and their presidents, executive authorities, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

(6) The Inspector or any officer or person whom the Government, or the Inspector may empower in this behalf may—

(a) direct the panchayat to make provision for and to execute or provide any public work or amenity, or service of the description referred to in section 50 ;

(b) call for any record, register or other document in the possession, or under the control, of any panchayat, or executive authority ;

(c) require any panchayat, or executive authority to furnish any return, plan, estimate, statement, account or statistics ;

(d) require any panchayat, or executive authority to furnish any information or report on any matter connected with such panchayat ;

(e) record in writing for the consideration of any panchayat, or executive authority any observations in regard to its or his proceedings or duties.

20th January 1950]

43. (1) The Inspector may, by order in writing,—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

Power to suspend or cancel resolution, etc., under the Act.

in pursuance or under colour of this Act if, in his opinion,—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable, or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that nothing in this sub-section shall enable the Inspector to set aside any election which has been held.

(2) The Inspector shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Inspector under clause (c) of sub-section (1), may be exercised by the Collector in accordance with the provisions of that clause.

44. Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or executive authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the panchayat fund in priority to any other charge against such fund except charges for the service of authorized loans.

Emergency powers of Collector and Inspector.

45. The administration by a panchayat of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948, as in force for the time being, the rules made under those Acts, and the terms of the licence granted under them to the panchayat.

Control over electrical undertaking of panchayats.

[20th January 1950]

Power to take action in default of a panchayat, president or executive authority.

46. (1) If at any time it appears to the Inspector that a panchayat, president or executive authority has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Inspector may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the panchayat fund in priority to any other charges against such fund except charges for the service of authorized loans.

Removal of president, vice-president or member.

47. (1) The Inspector may, by notification and with effect from a date to be specified therein, remove any president or vice-president who, in his opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder, or abuses the powers vested in him.

(2) The Inspector may, by notification and with effect from a date to be specified therein, remove any member who, in his opinion, is guilty of any misconduct in the discharge of his duties.

(3) The Inspector shall, when he proposes to take action under sub-section (1) or (2), give the president, vice-president or member concerned an opportunity for explanation, and the notification issued shall contain a statement of the reasons for the action taken.

(4) The Government shall have power to cancel any notification issued under sub-section (1) or (2) and may, pending a decision on the question of such cancellation, postpone the date specified in such notification.

(5) Any person in respect of whom a notification has been issued under sub-section (1) or (2) removing him from the office of president, vice-president or member shall, unless the notification is cancelled under sub-section (4), be ineligible for election as president or vice-president or for election as member or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (4), whichever is earlier.

Dissolution and supersession of panchayats.

48. (1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification—

(a) direct that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date, or

20th January 1950]

(b) supersede the panchayat for a period not exceeding one year from a specified date :

(2) Nothing contained in sub-section (1) shall affect the continuance in office of the president during the period of dissolution or supersession of the panchayat.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal, and consider its explanations and objections, if any.

(4) On the date fixed for the dissolution or supersession of a panchayat under sub-section (1), all its members as well as its vice-president shall forthwith be deemed to have vacated their offices as such.

(5) During the interval, if any, between the dissolution and the reconstitution of a panchayat or during the period of its supersession, as the case may be, the president shall exercise and discharge the powers and duties of the panchayat as far as may be and to such extent as the Government may determine in that behalf. In case the office of president is vacant on the date of dissolution or supersession of the panchayat or falls vacant before the reconstitution of the panchayat, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat and of its president including where the president is also the executive authority, his powers and duties as such until the reconstitution of the panchayat. Any person other than the executive officer who is so appointed may, if the Inspector so directs, receive payment for his services from the panchayat.

(6) The members, other than the president, of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

(7) When a panchayat is dissolved or superseded under this section, the Government until the date of the reconstitution thereof, and the reconstituted panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the panchayat as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

[20th January 1950]

Powers of officers acting for, or in default of, panchayat and liability of panchayat fund.

49. The Government, the Inspector or any other person lawfully taking action on behalf, or in default, of a panchayat under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the panchayat or its officers or servants whose powers are exercised; and compensation shall be recoverable from the panchayat fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the panchayat or its officers or servants.

CHAPTER III.—FUNCTIONS, POWERS AND PROPERTY OF PANCHAYATS.

Duty of panchayat to provide for certain matters.

50. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village in respect of the following matters, namely :—

(a) the construction, repair and maintenance of all public roads in the village (other than district roads and roads which are classified by the Government as national and provincial highways) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places;

(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds;

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(h) preventive and remedial measures connected with any epidemic, or with malaria.

20th January 1950]

51. Subject to the provisions of this Act and the rules made thereunder, a panchayat may also make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

Power of panchayat to provide for certain other matters.

(a) the planting and preservation of trees on the sides of public roads in the village not being district roads or roads classified by the Government as national or provincial highways ;

(b) the opening and maintenance of public markets other than markets which are classified as district markets ;

(c) the control of fairs and festivals other than those classified as district fairs and festivals ;

(d) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds ;

(e) the opening and maintenance of public slaughter-houses ;

(f) the establishment and maintenance of choultries other than those classified as district choultries ;

(g) the extension of village-sites and the regulation of building ;

(h) the registration of births and deaths ;

(i) improvements of agriculture and agricultural stock and the holding of agricultural shows ;

(j) the promotion and encouragement of cottage industries ;

(k) the opening and maintenance of elementary schools ;

(l) the opening and maintenance of reading rooms and of libraries which are not classified as district libraries ;

(m) the establishment and maintenance of wireless receiving sets, playgrounds, sports clubs and centres of physical culture ;

(n) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners ;

(o) the establishment and maintenance of maternity and child-welfare centres ;

(p) veterinary relief ;

(q) other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the village.

52. Subject to the provisions of this Act and the rules made thereunder, two or more panchayats may establish and maintain common dispensaries, child-welfare centres and institutions of such other kind as may be prescribed.

Maintenance of common dispensaries, child-welfare centres, etc.

[20th January 1950]

Transfer to
panchayats
of unreser-
ved forests
and other
institutions
or works.

53. (1) (a) All unreserved forests in the village at the commencement of this Act shall vest in the panchayat and be administered by it for the benefit of the villagers.

(b) In respect of every forest so vested, the panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Board of Revenue, fix in this behalf.

(2) (a) If the Revenue Divisional Officer is of opinion that a panchayat is not administering properly a forest vesting in it under sub-section (1), he may, by order, withdraw such forest from the control of the panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf.

(b) The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued under clause (a).

(c) Before issuing an order under clause (a) or (b), a reasonable opportunity shall be given to the panchayat to show cause against such issue.

(d) Where an order is issued under clause (a) or (b), the panchayat concerned may, within three months of the service of the order, appeal against it to the Collector; and the Collector may confirm, modify or reverse the order.

(3) The Board of Revenue may, in its discretion, at any time, either *suo motu* or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector under sub-section (2) for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto as it thinks fit.

(4) Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer, the district board or its executive authority, or any person or body of persons, may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village, and whether provided for in this Act or not.

Power of
Board of
Revenue to
transfer or
resume
control of
endowments
and inams.

54. (1) (a) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817; and thereupon all powers and duties attaching to the Board of Revenue in respect thereof shall attach to the panchayat as if it had been specially named in the said Regulation, and the panchayat shall manage and superintend such endowment.

Madras
Regulation
VII of 1817.

20th January 1950]

(b) The Board of Revenue may of its own motion, and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to a panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a panchayat with its consent, a charitable inam resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat may be applied; and may revoke any assignment so made.

55. A panchayat may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

Limitation of power to accepting donations and trusts.

56. (1) All public roads in any village (other than district roads and roads which are classified by the Government as national or provincial highways), shall vest in the panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat fund or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

Vesting of public roads in panchayats.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

57. All rubbish, sewage, filth and other matter collected by a panchayat under this Act shall belong to it.

Collected sewage, etc., to belong to panchayat.

58. Any property or income which by custom belongs to, or has been administered for the benefit of, the villagers in common, or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation shall vest in the panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

Vesting of communal property or income in panchayat.

59. (1) Subject to such conditions and control as may be prescribed, the Government may transfer to any panchayat the protection and maintenance of any village irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields dependent on it.

Power of panchayats to execute kudimaramat and levy fees for the purpose.

[20th January 1950]

(2) The panchayat shall have power, subject to such restriction and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed :

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Madras Compulsory Labour Act, 1858, in respect of any irrigation source in the village, in case the panchayat makes default in executing the kudimaramat in respect of that irrigation source. Central Act I of 1858.

Panchayat to regulate the use of certain porambokes in ryotwari tracts.

60. (1) The provisions of this section shall apply only in ryotwari tracts.

(2) The panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of the following porambokes, namely, grazing grounds, threshing floors, burning and burial grounds, cattle-stands, cart-stands and topes, provided the porambokes are at the disposal of the Government.

(3) The Collector after consulting the panchayat, may, by notification, exclude from the operation of this Act any poramboke referred to in sub-section (2), and may also modify or cancel such notification.

(4) The panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the panchayat is authorized in that behalf by an order of the Government.

(5) The panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (2) or sub-section (4).

Panchayat to regulate the use of certain communal lands in estates governed by the Madras Estates Land Act, 1908.

61. (1) In estates governed by the Madras Estates Land Act, 1908, notwithstanding anything contained in that Act, the panchayat shall have power subject to such restrictions and control as may be prescribed— Madras Act I of 1908.

(a) to regulate the use of lands which are set apart for any of the purposes referred to in sub-clause (b) of clause (16) of section 3 of the said Act, namely, threshing floors, cattle-stands, village-sites and other lands situated in the village which are set apart for the common use of the villagers ;

(b) to exercise the power vested in the District Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (a) which is no longer

20th January 1950]

required for its original purpose shall be used for any other specified communal purpose, provided that the sanction of the District Collector is obtained therefor; and

(c) to plant trees on any land the use of which is regulated by the panchayat under clause (a).

Nothing contained in clause (b) shall be deemed to affect in any way the operation of the provisos to sub-section (1) of the said section 20-A.

Madras Act
I of 1908.

(2) After an estate ceases to be governed by the Madras Estates Land Act, 1908, the provisions of sub-section (1) shall apply to the lands referred to in that sub-section, to such extent and with such modifications, as may be prescribed.

Central Act
I of 1894.

62. Any immovable property which any panchayat is authorized by this Act or any rules made thereunder to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the panchayat.

Immovable property required by panchayats may be acquired under the Land Acquisition Act, 1894.

CHAPTER IV.—TAXATION AND FINANCE.

63. (1) Every panchayat shall levy in the village a house-tax, a profession-tax and a vehicle tax.

Taxes which may be levied by panchayats.

(2) A duty shall also be levied in every village on certain transfers of property in accordance with the provisions of section 67.

(3) Subject to such rules as may be prescribed and with the sanction of the Inspector and subject to such restrictions and conditions, if any, as may be imposed by him either at the time of granting sanction or later, the panchayat may also levy in the village—

(a) a land-cess at the rate of three pies in the rupee on the annual rent value of all occupied land which are not occupied by, or adjacent and appurtenant to, buildings;

(b) a tax on agricultural land for a specific purpose.

(c) fees on any commercial crop bought and sold in the village, not being a crop on which fees are levied in the village by a market committee under section 11 of the Madras Commercial Crops Markets Act, 1933.

Madras Act
XX of 1933.

Explanation.—For the purposes of this clause, 'commercial crop' shall have the same meaning as in section 2 (i-a) of the Madras Commercial Crops Markets Act, 1933.

Madras Act
XX of 1933.

64. (1) The house-tax referred to in section 63, sub-section (1) shall be levied on all houses (other than huts) in the village on any one of the following bases, namely, (a) annual value, (b) capital value or (c) such other basis as may be prescribed.

House-tax.

[20th January 1950]

(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(3) The house-tax shall be levied every half-year at such rates as may be fixed by the panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the panchayat.

(4) The Government may make rules providing for—

(i) the exemption of specified classes of houses from the tax ;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation ;

(iii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses ;

(iv) the grant of exemptions from the tax on the ground of poverty ;

(v) the grant of vacancy and other remissions ;

(vi) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from, the village, during any half-year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Profession-
tax.

65. (1) The profession-tax referred to in section 63, subsection (1), shall subject to such rules as may be prescribed, be levied every half-year in every village on—

(i) every company which transacts business in such village for not less than sixty days in the aggregate in that half-year ; and

(ii) every person who, in that half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such village for not less than sixty days in the aggregate, or

(ii) without such village, but who resides in it for not less than sixty days in the aggregate, or

(b) resides in such village for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

20th January 1950]

(2) The profession-tax shall be levied at such rates as may be fixed by the panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he has paid the sum due on account of the profession-tax levied under this Act, or the companies or profession-tax levied under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or any tax of the nature of a profession-tax imposed under the Cantonments Act, 1924, for the same half-year to any panchayat or municipal council or cantonment authority in the Province of Madras, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other panchayat, municipal council or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

Madras Act
IV of 1919.
Madras Act
V of 1920.
Central Act
II of 1924.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final :

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession-tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

[20th January 1950]

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession-tax on the same income as that of the principal.

Vehicle tax.

66. The vehicle tax referred to in section 63, sub-section (1), shall, subject to such rules as may be prescribed including rules relating to exemptions and restrictions, be levied every half-year on all vehicles kept or used within the village at such rates as may be fixed by the panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

Explanation.—In this section, ‘vehicle’ means a conveyance suitable for use on roads and includes any kind of tram car, carriage, cart, wagon, bicycle, tricycle and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939.

Central Act
IV of 1939.**Duty on
transfers of
property.**

67. (1) The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Province of Madras, on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a panchayat ; and

Central Act
II of 1899.

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument.

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greatest value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth

20th January 1950]

separately in respect of property situated in the area under the jurisdiction of a panchayat and in respect of property situated outside such area ;

(b) section 64 of the same Act shall be read as if it referred to the panchayat as well as the Government.

(3) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

68. Subject to such restrictions and control as may be prescribed, a panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion such tax, fee, amount or sum is irrecoverable : Power to write off irrecoverable amounts.

Provided that where the Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a panchayat, the power to write off such tax, fee or amount or any sum payable in connexion therewith, on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control, by the Collector or any officer authorized by him.

69. Subject to such rules, as may be prescribed, the executive authority shall have power to require the village headman having jurisdiction over the village or any part thereof to collect any tax or fee due to the panchayat on payment of such remuneration not exceeding $6\frac{1}{4}$ per cent of the gross sum collected by the headman as the Collector may, by general or special order, determine. Power to require village headmen to collect taxes and fees due to panchayats.

70. (1) All moneys received by the panchayat shall constitute a fund called the panchayat fund, and shall be applied and disposed of in accordance with the provisions of this Act and other laws : Panchayat fund.

Provided that the panchayat shall have power, subject to such rules as may be prescribed, to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

(2) the receipts which shall be credited to the panchayat fund shall include—

(i) the house-tax, the profession-tax, the vehicle tax and any other tax or any cess or fee, levied under section 63 of this Act ;

(ii) the proceeds of the duty on transfers of property levied under section 67 of this Act ;

(iii) one-fourth of the land-cess levied in the village under section 78 of the Madras District Boards Act, 1920 ;

[20th January 1950]

(iv) the pilgrim tax levied in respect of the village under section 110 of the Madras District Boards Act, 1920, Madras Act XIV of 1920. except where the occasion for pilgrimage is a festival classified as a district festival ;

(v) any payments made to the panchayat by a market committee in pursuance of section 11, sub-section (3), of the Madras Commercial Crops Markets Act, 1933 ; Madras Act XX of 1933.

(vi) the taxes and tolls levied in the village under sections 117 and 118 of the Madras Public Health Act, 1939 ; Madras Act III of 1939.

(vii) the contribution paid by the district board on the scale fixed by the Government in respect of markets in the village classified as district markets and in respect of ferries under the management of the district board ;

(viii) fees for the temporary occupation of village-sites, roads and other similar public places or parts thereof in the village ;

(ix) fees levied by the panchayat in pursuance of any provision in this Act or any rule or order made thereunder ;

(x) the contribution, if any, paid by the district board on the scale fixed by the Government for the opening and maintenance of elementary schools in the village ;

(xi) income from endowments and trusts under the management of the panchayat ;

(xii) the net assessment on service inams which are resumed by the Government after the commencement of this Act ;

(xiii) income derived from village fisheries ;

(xiv) income derived from ferries under the management of the panchayat ;

(xv) unclaimed deposits and other forfeitures ;

(xvi) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the village ;

(xvii) all income derived from porambokes the user of which is vested in the panchayat ;

(xviii) where the village is in a ryotwari tract, all income derived from trees standing on porambokes although the user of the porambokes is not vested in the panchayat ;

(xix) income from leases of Government property obtained by the panchayat ;

(xx) a sum equivalent to nine-tenths of the gross income derived by the Government every year from fines imposed by Magistrates in respect of offences committed in the village under this Act or any rule or by-law made thereunder or any other provision of law which is prescribed in this behalf ;

(xxi) grants received from the Government ; and

20th January 1950]

(xxii) all sums other than those enumerated above which arise out of, or are received in aid of or for expenditure on, any institutions or services maintained or financed from the panchayat fund or managed by the panchayat.

71. The Government shall set apart every year a sum not being less than twelve and a half per cent of the total land revenue (including water-cess) collected in the Province during that year and distribute such sum in the prescribed manner as grants to Class II panchayats on the basis of their population. Grants by Government to Class II panchayats.

72. (1) The purposes to which the panchayat fund may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the fund shall be applicable thereto within the village subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorized by this Act or specially sanctioned by the Inspector. Expenditure from panchayat fund.

(2) (a) It shall be the duty of every panchayat to provide for the payment of—

(i) any amounts falling due on any loans contracted by it ;

(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the panchayat, and the maintenance of the election establishment ;

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections ;

(iii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants ;

(iv) sums due under any decree or order of a Court ;
and

(v) any other expenses rendered obligatory by or under this Act or any other law.

(b) The Government shall determine every year the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the panchayat. Such amount shall have priority over all other charges except charges for the service of authorized loans including the loans and advances referred to in section 76 and the expenses specified in sections 44 and 46 (2).

[20th January 1950]

(3) A panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A panchayat may, with the sanction of the Inspector, also—

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village ;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease ; and

(iii) defray any other extraordinary charges.

Preparation
and sanction
of budgets.

73. (1) The executive authority shall in each year frame and place before the panchayat a budget showing the probable receipts and expenditure during the following year, and the panchayat shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget of a panchayat shall, after being so sanctioned, be submitted on or before such date and to such officer as may be prescribed, and if he is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to modify the budget in such manner as may be necessary to secure such provision.

(3) If, in the course of a year, a panchayat finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

Appointment
of auditors.

74. (1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the panchayat fund. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of
1860.

(2) No contribution shall be recovered by the Government from the panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the panchayat.

Contribution
to expendi-
ture by other
local autho-
rities.

75. If the expenditure incurred by the Government or by any other panchayat or the district board or by any other local authority in the Province for any purpose authorized by or under this Act, is such as to benefit the inhabitants of the village, the panchayat may with the sanction of the Inspector, and shall if so directed by him, make a contribution towards such expenditure.

20th January 1950]

Central Act
IX of 1914.

76. (1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the Government may—

Recovery of
loans and
advances
made by
Government.

(a) by order direct any person having custody of the panchayat fund to pay to them in priority to any other charges against such fund, except charges for the service of authorized loans, any loan or advance made by them to the panchayat for any purpose to which its funds may be applied under this Act,

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section (1) is addressed shall be bound to comply with such order.

CHAPTER V.—PUBLIC SAFETY, CONVENIENCE AND HEALTH.

Public water-courses, springs, etc.

77. (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land (not being private property) appertaining thereto, shall vest in the panchayat and be subject to its control :

Vesting of
water-works
in pancha-
yats.

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any.

Contributions for sanitary arrangements.

78. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purposes is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the panchayat; but the Government may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the panchayat as they may determine.

Contribu-
tions from
persons
having
control over
places of
pilgrimage,
etc.

[20th January 1950]

Roads.

Prohibition
against
obstructions
in or over
public roads,
etc.

79. No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite, by such rules—

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road ;

(b) make any hole or deposit any matter in or upon any public road ;

(c) work a quarry in or remove stone, earth or other material from any place within twenty yards of a public road or of other immovable property vesting in or belonging to a panchayat, provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Inspector, is done in connexion with a *bona fide* agricultural operation ;

(d) erect any building over any sewer or drain or any part thereof ;

(e) plant any tree on any public road or other property vesting in or belonging to a panchayat ; or

(f) fell, remove, destroy, lop or strip bark, leaves or fruits from, or otherwise damage, any tree which is growing on any such public road or other property or on any poramboke or land, the use of which is regulated by a panchayat under section 60 or section 61 and the right to which has not been established by such person as vesting in or belonging to him.

Markets.

Public
markets.

80. (1) The panchayat may provide places for use as public markets and, with the sanction of the Inspector, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the panchayat may levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in that behalf as the panchayat may think fit :—

(a) fees for the use of, or for the right to expose goods for sale in, such market ;

(b) fees for the use of shops, stalls, pens or stands in such market ;

(c) fees on vehicles (including motor vehicles as defined in the Motor Vehicles Act, 1939) or pack-animals bringing, or on persons carrying, any goods for sale in such market ;

Central Act
IV of 1939.

(d) fees on animals brought for sale into or sold in such market ;

20th January 1950]

(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

81. (1) No person shall open a new private market after the commencement of this Act, or continue to keep open a private market, after the commencement of such year as the Government may, by notification, appoint in this behalf : Private markets.

Provided that nothing in this sub-section shall apply to any private market, existing on the date of publication of the notification aforesaid, if the income derived from such market after deducting therefrom the cost of collection and management and such other sums as may be prescribed, has been, and continues to be utilized solely for educational, charitable and religious purposes.

(2) If any question arises as to whether any market falls within the scope of the proviso to sub-section (1) or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

(3) In lieu of each of the private markets closed in pursuance of sub-section (1), the panchayat shall provide a public market.

82. (1) No person shall keep open a private market of the nature referred to in the proviso to sub-section (1) of section 81 unless he has obtained a licence from the panchayat to do so. Such licence shall be renewed every year. Licensing of excepted private markets.

(2) (a) The panchayat shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

(b) The panchayat may modify the conditions of the licence to take effect from a specified date.

(c) The panchayat may at any time suspend or cancel any licence granted under clause (a) for breach of the conditions thereof.

(d) Any person aggrieved by an order of the panchayat under clause (a), (b) or (c) may appeal against such order to the Inspector who may, if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

(3) (a) Any person claiming to levy in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884, fees of the nature specified in section 80, sub-section (2), shall apply to the Inspector for a certificate recognizing his right in that behalf; and the Inspector shall pass orders on such application after giving due notice to the panchayat and considering any representations made by it.

Madras Act
V of 1884.

[20th January 1950]

(b) Any person aggrieved by an order of the Inspector refusing to grant a certificate under clause (a) may, within six months from the date of such order, institute a suit to establish the right claimed by him, and subject to the result of such suit the Inspector's order shall be final.

(4) When a licence granted under sub-section (2) does not permit the levy of any fees, it shall be granted free of charge ; but when such permission is given, a fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat for such licence.

(5) The panchayat or any officer duly authorized by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

decision of
spites as
whether
aces are
markets.
83. If any question arises as to whether any place is a market or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

prohibition
sale in
licensed
private
markets,
&
84. No person shall sell or expose for sale any animal or article—

(a) in any public or licensed private market without the permission of the executive authority or licensee, as the case may be, or of any person authorized by him, or

(b) in any unlicensed private market.

prohibition
against sale
public
lands.
85. The executive authority may, with the sanction of the panchayat, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

classification
markets.
86. The Government shall have power to classify public and private markets situated in a village as district markets and panchayat markets and provide for the control of any such market, and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.

In the case of markets classified as district markets, the panchayat and its executive authority shall not exercise any of the powers conferred on them by sections 80 to 85.

Public halting places.

public land-
ing places,
stands,
87. Subject to such rules as may be prescribed, the panchayat may—

(a) provide public landing places, halting places and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use ; and

20th January 1950]

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place or the sides of any public road as the panchayat may, subject to the control of the Inspector specify.

88. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand, unless he obtains from the panchayat a licence to do so. Such licence shall be renewed every year. Private cart-stands.

(2) The panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion as regards new private cart-stands, grant the licence applied for, subject to such conditions as the panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed; or the panchayat may refuse to grant such licence for any new cart-stand.

(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section a fee not exceeding two hundred rupees.

Slaughter-houses.

89. A panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use. Public slaughter-houses.

90. The Government shall have power to make rules for— Prohibition or regulation of the use of places for slaughtering animals at the licensed places.

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

Industries and factories.

91. The panchayat may with the previous approval of the prescribed authority notify that no place within the limits of the village shall be used for any of the purposes specified in the rules made in this behalf, being purposes which, in the opinion of the Government, are likely to be offensive or dangerous to human life or health or property, without a licence issued by the executive authority and except in accordance with the conditions specified in such licence: Purposes for which place may not be used without a licence.

[20th January 1950]

Provided that no such notification shall take effect until sixty days from the date of its publication.

Permission
for the con-
struction of
factories and
the installa-
tion of
machinery.

92. No person shall, without the permission of the panchayat and except in accordance with the conditions specified in such permission,—

(a) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

Power of
Government
to make
rules in
respect of
the grant
and renewal
of licences
and permis-
sions.

93. (1) The Government may make rules—

(a) prohibiting or regulating the grant or renewal of licences under section 91 and the period for which such licences shall be valid ;

(b) as to the time within which applications for such licences or renewals thereof shall be made ; and

(c) prohibiting or regulating the grant of permissions under section 92.

(2) Rules made under clause (c) of sub-section (1) may empower the panchayat to set apart specified areas in the village for industrial purposes and provide for the refusal of permissions under section 92 in respect of any factory, workshop, workplace or premises outside such areas and also, subject to the sanction of the prescribed authority, for the removal to such areas, of any factory, workshop or workplace which has been already established at any place, or any machinery which has already been installed in any premises, situated outside such areas :

Provided that no such rule shall authorize the removal of any factory, workshop or workplace or machinery installed in any premises, in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops

Madras Act
XX of 1933.

(3) The Government may either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 91 or section 92.

Application of the Places of Public Resort Act, 1888.

Modification
of the Places
Public
Resort Act,
1888.

94. Notwithstanding anything contained in the Places of Public Resort Act, 1888, when the Government extend that Act to any village or part thereof—

Madras Act
II of 1888.

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to

20th January 1950]

be used exclusively for purposes other than the holding of cinematograph exhibitions, and who may grant or refuse such licence, shall be the executive authority; and

(b) the appeal from the order of the executive authority granting, refusing, revoking or suspending a licence under that Act shall lie to the panchayat.

CHAPTER VI.—GENERAL AND MISCELLANEOUS.

Numbering of buildings.

95. (1) In any area to which this Act applies, such authority as may be prescribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises. Numbering of buildings.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, or any number assigned to any building in any such area in connexion with the preparation of electoral rolls on the basis of adult franchise during the year 1948 or 1949.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the authority referred to in sub-section (1) may by notice require him to replace it.

Licences and permissions.

96. (1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act or any rule, by-law or regulation made thereunder, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required. General provisions regarding licences and permissions.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the panchayat, provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, by-laws and regulations and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

[20th January 1950]

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then—

(a) the executive authority may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further,

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the panchayat such amount, if any, as he may fix as the costs of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

Government and market committees not to obtain licences and permissions.

97. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933, or in respect of any property of the Central or the Provincial Government or of any property belonging to such market committee. Madras Act XX of 1933.

Power to enforce notices, orders, etc.

Time for complying with notice, order, etc., and power to enforce in default.

98. (1) Whenever by any notice, requisition or order under this Act, or under any rule, by-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order; and further,

20th January 1950]

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

Powers of entry and inspection.

99. (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or any person authorized by him may enter on or into any place, building or land, with or without notice and with or without assistants or workmen in order— Powers of entry and inspection.

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or of any force necessary for effecting an entrance under that sub-section.

100. The executive authority or any person authorized by him may examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code. Testing of weights and measures.

Central Act
XLV of
860.

101. (1) The executive authority may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein. Power to call for information from village head men and karnams.

(2) The order shall specify the period within which it may be complied with but the executive authority may, from time to time, extend such period.

Limitation.

102. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a panchayat under this Act or any rule, by-law, regulation or order made under it after the expiration of a period of three years from the date on which distraint Limitation for recovery of dues.

[20th January 1950]

might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

Prosecutions, suits, etc.

Persons
empowered
to prosecute.

103. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or by-law made thereunder unless complaint is made within three months of the commission of the offence by the Police, the executive authority or a person expressly authorized in this behalf by the panchayat or executive authority; but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Central Act
V of 1898.

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Composition
of offences.

104. The executive authority may, subject to such restrictions and control, as may be prescribed, compound any offence against this Act or any rule or by-law made thereunder, which may by rules be declared compoundable.

Prosecutions
and composi-
tions to be
reported to
panchayat.

105. Every prosecution instituted or offence compounded by the executive authority shall be reported by him to the panchayat at its next meeting.

Sanction for
prosecution
of president
or members
of a pancha-
yat.

106. When the president, executive authority or any member, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government.

Notice of
action
against
panchayat,
etc.

107. (1) Subject to the provisions of section 108, no suit or other legal proceeding shall be brought against any panchayat or its president or executive authority or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it, until

20th January 1950]

the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the panchayat, and if the proceeding is intended to be brought against any such president, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence ; and unless such notice be proved, the Court shall find for the defendant.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any panchayat or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amounts so tendered, he shall not recover any costs incurred by him after such tender ; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

108. No suit or other legal proceeding shall be brought against the president, executive authority or any member, officer or servant of a panchayat, or any person acting under the direction of a panchayat or of such president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, by-law, regulation or order made under it, if such act was done or such neglect or default occurred in good faith ; but any such proceeding shall, so far as it is maintainable in a Court, be brought against the panchayat except in the case of suits brought under section 110.

Protection of president and officers acting in good faith.

109. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

Injunctions not to be granted in election proceedings.

110. (1) The president, executive authority and every member of a panchayat shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct ; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the panchayat with the previous sanction of the Inspector.

Liability of the president executive authority and members for loss, waste or misapplication of property.

[20th January 1950]

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Assessments,
etc., not
to be
impeached.

111. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority :

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rules and by-laws made thereunder have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

CHAPTER VII.—RULES, BY-LAWS AND PENALTIES.

Rules.

Power of
Government
to make
rules.

112. (1) The Government shall, in addition to the rule-making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections ;

(ii) as to the resignations of presidents, vice-presidents and members, and the dates on which such resignations shall take effect ;

20th January 1950]

(iii) as to the interpellation of the president by the members and the moving of resolutions at meetings ;

(iv) as to the constitution of committees of panchayats, the inclusion of outsiders therein, and the delegation of functions to such committees ;

(v) as to the delegation of any function of a panchayat to the president, member, any officer of the panchayat or any servant of the Central or Provincial Government ;

(vi) for the lodging and investment of the moneys of the panchayat and for the manner in which such moneys may be drawn upon ;

(vii) as to the transfer of allotments entered in the sanctioned budget of a panchayat from one head to another ;

(viii) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by panchayats ;

(ix) as to the preparation of plans and estimates for works and the power of panchayats and of servants of the Central or Provincial Government to accord professional or administrative sanction to estimates ;

(x) as to the accounts to be kept by panchayats, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted ;

(xi) as to the powers of auditors to disallow and surcharge items, appeals against orders of disallowance or surcharge, and the recovery of sums disallowed or surcharged ;

(xii) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence ;

(xiii) as to the conditions on which property may be acquired by a panchayat, or on which property vested in or belonging to a panchayat may be transferred by sale, mortgage, lease, exchange or otherwise ;

(xiv) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats ;

(xv) as to the assessment of taxes under this Act and the revision of, and appeals against, assessments ;

(xvi) as to the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise ;

(xvii) as to the realization of any tax or other sum due to a panchayat under this Act or any other law or any rules or by-laws, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise ;

[20th January 1950]

(xviii) as to the realization of fees due in respect of the use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise ;

(xix) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof ;

(xx) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of documents ;

(xxi) for the use of the facsimiles of the signatures of the executive authorities and officers of panchayats ;

(xxii) as to the grant to the public of copies of any proceeding or record of the panchayat, not relating to any matter classified as confidential by the Government or any authority empowered by them, and the fees to be levied for the grant of such copies ;

(xxiii) as to the opening, maintenance, management and supervision of elementary schools ;

(xxiv) prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or water-course or of any private spring, tank, well or water-course, with the consent of its owner, or without such consent ;

(xxv) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth ;

(xxvi) as to the provision of burial and burning grounds ; the licensing of private burial and burning grounds ; the regulation of the use of all grounds so provided or licensed ; the closing of any such grounds ; and the prohibition of the disposal of corpses except in such grounds or other permitted places ;

(xxvii) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs ;

(xxviii) as to the regulation or restriction of building and the use of sites for building ;

(xxix) for the removal of encroachments of any description from public roads vesting in panchayats and the repair of any damage caused to such roads by the person causing the damage or at his expense ;

(xxx) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to panchayats or on porambokes or, on lands, the use of which is regulated by them under section 60 or section 61 ; and for the presumptions to be drawn as regards the ownership of such trees ;

20th January 1950]

(xxxix) as to the imposition and recovery of penalties for the unauthorized occupation of public roads or other land vesting in or belonging to panchayats and the assessment and recovery of compensation for any damage caused by such occupation ;

(xxxii) as to the powers which may be exercised by the panchayat or the executive authority in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers ; and as to the prohibition of the sale or purchase of any commercial crop in any such market within any area notified in respect of such crop under the Madras Commercial Crops
Madras Act
XX of 1933. Markets Act, 1933 ;

(xxxiii) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof ;

(xxxiv) as to the disposal of household and farmyard waste in the village, the acquisition of land by the panchayat for laying out plots for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made, including the rent to be charged ;

(xxxv) as to the duties to be discharged by village officers in relation to panchayats and their executive authorities ;

(xxxvi) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented ;

(xxxvii) as to the classification of public roads, fairs and festivals, choultries, dispensaries and libraries, as appertaining to the district board or the panchayat ;

(xxxviii) for regulating the sharing between local authorities in the Province of the proceeds of any tax or income levied or obtained under this or any other Act ;

(xxxix) for the decision of disputes between two or more local authorities of which one is a panchayat ;

(xl) as to the class of Magistrates by whom offences against this Act shall be tried ;

(xli) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts ;

(xlii) as to the manner of publication of any notifications or notices to the public under this Act.

[20th January 1950]

Penalties for
breach of
rules.

113. (1) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred-rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

(2) The power to make rules under this Act shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and upon such publication, shall have effect as if enacted in this Act.

By-laws.

By-laws and
penalties for
their breach.

114. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a panchayat may, with the approval of the Inspector, make by-laws for carrying out any of the purposes for which it is constituted.

(2) In making a by-law, the panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat not exceeding fifteen rupees or, in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of by-laws, the publication thereof, and the date on which they shall come into effect.

Penalties.

115. (1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I, or

(b) contravenes any rule or order made under any of the provisions so specified, or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II, or

(b) contravening any rule or order made under any of the provisions so specified, or

General
provisions
regarding
penalties
specified
in the
Schedules.

20th January 1950]

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions,

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

116. (1) Whoever acts as a member of a panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as member, president or vice-president of a panchayat when disqualified.

(2) Whoever acts as the president, temporary president or vice-president of a panchayat, or exercises any of his functions including where he is also the executive authority, any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the president, temporary president or vice-president of a panchayat fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the panchayat, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(a) in every case as soon as his term of office as such president, temporary president or vice-president expires; and

(b) in the case of a person who was the vice-president, also on demand by the president

shall be punishable with fine not exceeding one thousand rupees for every such offence.

117. If any officer or servant of a panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code :

Penalty for acquisition by an officer or servant of interest in contract work.

[20th January 1950]

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat unless he is a director of such company :

Provided further that nothing in this section shall apply to any person who, with the sanction of the Inspector, enters into a contract with the panchayat.

Wrongful restraint of executive authority or his delegate.

118. Any person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

Central Act
XLV of
1860.

Prohibition against obstruction of panchayats, etc.

119. Any person obstructing or molesting a panchayat, or the president, the executive authority or a member of the panchayat, or any person employed by it or any person with whom a contract has been entered into by or on behalf of the panchayat, in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, by-law, regulation or order made thereunder, shall be punished with fine which may extend to fifty rupees.

Prohibition against removal or obliteration of notice.

120. Any person who, without authority, in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a panchayat or its executive authority, shall be punishable with fine which may extend to fifty rupees.

Penalty for not giving information or giving false information.

121. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

CHAPTER VIII.—SUPPLEMENTAL PROVISIONS.

Special provisions in the case of new panchayats.

122. (1) The provisions of this section shall apply when a panchayat is constituted for the first time, notwithstanding anything contained in this Act.

(2) The election authority shall make arrangements for the election of the members and of the president of the panchayat, so that the newly elected members and the president may come into office on the date specified in the notification issued by the Inspector under section 3, sub-section (1), for the constitution of the panchayat :

Provided that the Inspector shall have power from time to time to postpone the date so specified if, for any reason, it is not found possible to complete the elections in time.

20th January 1950]

(3) The term of office of the members and of the president elected under sub-section (2) or of the members elected in their places in casual vacancies shall expire in such year and on such date as the Inspector may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

123. All roads, markets, wells, tanks, reservoirs and water-ways vested in or maintained by a panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed. Public roads, markets, wells, tanks, etc., to be open to all.

124. A panchayat shall have power to farm out the collection of any fees due to it under this Act or any rule, by law or regulation made thereunder for any period not exceeding three years at a time, on such conditions as it thinks fit. Power to farm out fees.

Madras Act V of 1920.

125. (1) The Inspector may, whether at the request of the panchayat or otherwise, by notification, declare that any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder, shall be extended to, and be in force in, the village or any specified area therein. Extension of provisions of Madras District Municipalities Act, 1920, or of rules thereunder.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the village or specified area therein.

(3) Without prejudice to the generality of the foregoing provisions, all references to a municipal council or the chairman or the executive authority thereof shall be construed as references to the panchayat or the president or the executive authority thereof, all references to any officer or servant of a municipal council as references to the corresponding officer or servant of the panchayat, and all references to the municipal limits as references to the limits of the village or specified area therein, as the case may be.

Madras Act XIV of 1920.

126. Notwithstanding anything contained in this Act, or in the Madras District Boards Act, 1920, the Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that in the case of any panchayat or class of panchayats, any functions vested in such panchayats or class of panchayats by or under that Act shall be transferred to and performed by the district board. Transfer of functions of panchayats to district boards.

127. (1) The Government may, by notification, authorize any authority, officer or person to exercise in any local area, in regard to any panchayat or any class of panchayats or all Delegation of powers, etc.

[20th January 1950]

panchayats in that area, any of the powers vested in them by this Act except the power to make rules ; and may in like manner withdraw such authority.

(2) The Inspector or the Collector may, by notification, authorize any officer or person to exercise in any local area in the Province or the revenue district, as the case may be, in regard to any panchayat, or any class of panchayats or all panchayats in that area, any of the powers vested by this Act in the Inspector or the Collector, as the case may be ; and may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Inspector or the Collector by any of the provisions of this Act, including sub-sections (2) and (3) of this section, shall, whether such power is exercised by the Inspector or the Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

Revision.

128. (1) The Government may, in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by—

(a) the Inspector or the Collector or any officer or person authorized by the Inspector or the Collector under sub-section (2) of section 127, or

(b) any authority, officer or person authorized by the Government under sub-section (1) of that section or any person empowered by them under sub-section (3) of that section, or

(c) any other authority, officer or person for the purpose of satisfying themselves as to the legality of propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as they think fit.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority, officer or person as may be empowered in this behalf by the Government.

20th January 1950]

129. Any reference to a panchayat contained in any law, rule, by-law, regulation, notification, scheme, form or order in force, in the Province at the commencement of this Act shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act. Construction of references to panchayat.

130. (1) When a dispute exists between a panchayat and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the panchayat and the other local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute, and— Adjudication of disputes between local authorities.

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted under section 39 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as they deem fit and any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the panchayat and each of the other local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

131. (1) In regard to the first reconstitution in accordance with the provisions of this Act of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule III. Act to be read subject to Schedule III in regard to first reconstitution of panchayats, etc.

(2) The Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

132. Notwithstanding anything contained in the Madras Village Courts Act, 1888 (hereinafter in this section referred to as the said Act)— Modification of the Madras Village Courts Act, 1888.

(1) every panchayat constituted or deemed to be constituted under this Act for any area shall be deemed to be a panchayat court for that area under section 9 (1) of the said Act;

[20th January 1950]

and the members (including the president and vice-president) of such panchayat shall be deemed to be *ex-officio* members of such panchayat court, the president and vice-president aforesaid being also deemed *ex-officio* to be the president and vice-president respectively of the panchayat court ;

(2) where a panchayat is dissolved or superseded under section 48 (1) of this Act, the panchayat court aforesaid shall, until the panchayat is reconstituted, consist of—

(a) the president of the panchayat or the person appointed under section 48 (5) of this Act, as the case may be, who shall be the president and a member of the panchayat court ; and

(b) three other members appointed by the Inspector from among persons qualified to be elected as members of the panchayat ;

(3) in any area within the jurisdiction of a panchayat constituted or deemed to be constituted under this Act, the jurisdiction of any village or panchayat court or courts, if any, established under the said Act before the commencement of this Act shall cease, and the panchayat shall be deemed to be a panchayat court established in lieu of such court or courts within the meaning and for the purposes of sections 9-A and 9-B of the said Act ;

(4) in the area within the jurisdiction of any such panchayat—

(a) the provisions of sections 6 to 8, 9 (2), (3), (4), (5) (a) and (7) of the said Act shall not apply ;

• (b) the Inspector may remove from office the president, vice-president or member of any panchayat court, whether holding office under clause (1) or clause (2), for incapacity, neglect of duty, misconduct or other just and sufficient cause ;

(c) the provisions of section 9 (5) (b), (c), (d) and (e) of the said Act shall not apply in the case referred to in clause (2) ; and in that case the president of the panchayat court shall preside over its sittings and if he is absent from any sitting, the members present shall elect from among themselves a president for the purposes of that sitting ;

(d) the provisions of section 13 of the said Act shall be construed as if for the words “ sum of rupees fifty,” the words “ sum of rupees one hundred ” were substituted ;

(5) the Government may, by notification, confer on panchayat court established under this section any civil or criminal jurisdiction not provided for in the said Act.

20th January 1950]

Central
Act XVI of
1908.

133. Notwithstanding anything contained in the Indian Registration Act, 1908, the Inspector-General of Registration may, subject to the control of the Government, by order, authorize the executive authority of any panchayat within whose jurisdiction the office of a Sub-Registrar functioning under that Act is not situated, to exercise the powers and discharge the duties of the Sub-Registrar under that Act in respect of—

Application
of the
Indian
Registration
Act, 1908.

(a) all or any documents which are exempt from stamp duty and registration fees ;

(b) all or any documents which are classified by rules made under this Act, as documents of an ephemeral nature.

Madras Act
XX of 1933.

134. In section 11 of the Madras Commercial Crops Markets Act, 1933, after sub-section (2), the following sub-section shall be added, namely :—

Amendment
of the
Madras
Commercial
Crops
Markets
Act, 1933.

“(3) Out of the fees levied under sub-section (1) on the commercial crop or crops bought and sold in any part of the notified area which constitutes a village as defined in section 2 of the Madras Village Panchayats Act, 1950, such proportion as may be prescribed shall be paid by the market committee to the panchayat concerned.”

Madras Act
LI of 1939.

135. In the Madras Public Health Act, 1939, the following consequential amendments shall be made, namely :—

Consequen-
tial amend-
ments of the
Madras
Public
Health
Act, 1939.

(i) in clause (8) of section 3, after the word “President”, the words “Executive Officer” shall be inserted, the word “or” occurring after the words and figures “District Municipalities Act, 1920” shall be omitted, and before the words “as the case may be” the words and figures “or the Madras Village Panchayats Act, 1950” shall be inserted ;

(ii) in clause (9) of the same section, for the words and figures “or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be,” the words and figures “the Madras District Municipalities Act, 1920, the Madras District Boards Act, 1920 or the Madras Village Panchayats Act, 1950, as the case may be” shall be substituted ;

(iii) in clause (20) of the same section, after the words “a panchayat” in sub-clause (c), the words and figures “constituted under the Madras Village Panchayats Act, 1950” shall be inserted ; and for the words “a panchayat” in sub-clause (d), the words “such panchayat” shall be substituted ;

(iv) in section 16, before the words and figures “the Madras Prevention of Adulteration Act, 1918” the words and figures “the Madras Village Panchayats Act, 1950” shall be inserted ;

[20th January 1950]

(v) in section 133, of the word “and” occurring at the end of clause (b) shall be omitted; and after clause (c) the following clause shall be added, namely:—

“(d) in case the local authority is a panchayat constituted under the Madras Village Panchayats Act, 1950, section 114 of that Act.”;

(vi) in clause (b) of sub-section (2) of section 140, after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iii-a) sections 79, 81, 82, 84, 85, 87, 88, 90 to 92 and 123 of the Madras Village Panchayats Act, 1950, read with section 115 of that Act and Schedules I and II thereto.

Consequen-
tial amend-
ments of the
Madras
Local Boards
Act, 1920.

136. The Madras Local Boards Act, 1920, shall be amended in the manner set forth in Schedule IV.

Madras Act
XIV of 1920.

Construction
of references
to ‘local
board’ and
‘Madras
Local Boards
Act, 1920.’

137. In the absence of an intention to the contrary appearing in this Act or in the Madras District Boards Act, 1920, and unless the Government otherwise direct, any reference to local boards in any law or rule in force in the Province at the commencement of this Act shall be deemed to be a reference to district boards and panchayats, and any reference to the Madras Local Boards Act, 1920, in any such law or rule shall be deemed to be a reference to the Madras District Boards Act, 1920, and the Madras Village Panchayats Act, 1950.

Madras Act
XIV of 1920.

Power to
remove
difficulties.

138. If any difficulty arises in first giving effect to the provisions of this Act or as to the first reconstitution or constitution of any panchayat after the commencement of this Act, the Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Madras Act
XIV of 1920.

SCHEDULE I.

Ordinary Penalties.

[See section 115 (1).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	One hundred rupees.
79	(b)	Unlawful making of hole or depositing of matter in or over public road.	Fifty rupees.
79	(c)	Unlawful quarrying in any place near public road, etc.	Fifty rupees.
79	(d)	Unlawful construction of building over drain.	Two hundred rupees.

20th January 1950]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(e)	Planting of trees without permission on any public road or other property vested in a panchayat.	Two hundred rupees.
79	(f)	Felling, etc., without permission of trees growing on public road or other property vested in a panchayat, or on a poramboke or land, the use of which is regulated by it under section 60 or section 61.	Two hundred rupees.
8	(1)	Opening or keeping open a private market in contravention of section 81.	Five hundred rupees.
82	(3)	Levy of fees in private market without a certificate.	One hundred rupees.
84	..	Sale or exposure for sale in public or private market of any animal or article without permission.	Twenty rupees.
85	..	Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations.	Ten rupees.
87	(b)	Using any public place or roadside as a landing or halting place or as a cart-stand within prohibited distance.	Fifty rupees.
88	(1)	Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	Two hundred rupees.
90	(a)	Slaughtering, cutting up or skinning, etc., of animals outside public slaughter-houses in contravention of rules.	Two hundred rupees.
90	(b)	Slaughtering animals for purposes of sale without licence or contrary to licence.	Twenty rupees.
91	..	Using a place for any prescribed purpose without licence or contrary to licence.	One hundred rupees.
92	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
95	(2)	Unlawful destruction, etc., of number of buildings.	Five rupees.
95	(3)	Failure to replace number when required to do so.	Twenty rupees
123	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees.

[20th January 1950]

SCHEDULE II.

Penalties for continuing breaches.

[See section 115 (2).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	Twenty rupees.
79	(b)	Unlawful making of hole or depositing of matter in or over public road.	Ten rupees.
79	(c)	Unlawful quarrying in any place near public road, etc.	Ten rupees.
79	(d)	Unlawful construction of building over drain.	Fifty rupees.
81	(1)	Opening or keeping open a private market in contravention of section 81.	One hundred rupees.
82	(3)	Levy of fees in private market without a certificate.	Fifty rupees.
84	..	Sale or exposure for sale in public or private market of animal or article without permission.	Ten rupees.
88	(1)	Keeping open a private cart-stand without licence or contrary to licence.	Twenty rupees.
91	..	Using a place for any prescribed purpose without a licence or contrary to licence.	Twenty rupees.
92	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.

SCHEDULE III.

Transitional provisions.

(See section 131.)

1. In these rules, "the old Act" means the Madras Local Boards Act, 1920, and "panchayat" means a panchayat constituted under the old Act and in existence at the commencement of this Act.

2. Every local area which, at the commencement of this Act, is a village under the old Act shall be deemed to have been declared to be a village under this Act, and every panchayat shall be deemed to have been constituted under this Act :

Definitions of "old Act" and "panchayat." Existing villages and panchayats to be deemed to be duly constituted.

20th January 1950]

Provided that where a village under the old Act comprises any revenue village which has a population of five hundred or more and the population of the village after excluding such revenue village is not less than five hundred, the Inspector shall, as soon as may be after the commencement of this Act, exclude such revenue village from the village and declare it to be a village for the purposes of this Act, in accordance with the provisions of section 3 thereof unless he considers it inexpedient to do so on account of the contiguity of the revenue villages comprised in the village.

3. The total number of members of a panchayat fixed under the old Act and in force at the commencement of this Act shall be deemed to be the total number of its elected members under this Act : Total number of members of panchayats.

Provided that where the total number of members of a panchayat fixed under the old Act is more than fifteen, the total number of its elected members under this Act shall be deemed to be fifteen.

4. (1) The members of a panchayat holding office at the commencement of this Act (other than its president and any village headman) shall be deemed to be the elected members of the panchayat under this Act and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf, or in case no such date is fixed, up to the date on which their term of office would have expired if this Act had not come into force. Members elected under the old Act to be deemed to be elected or ex-officio members under this Act.

(2) A member of a panchayat who is its president at the commencement of this Act shall be deemed to be an ex-officio member of the panchayat under this Act.

(3) A village headman who is a member of the panchayat at the commencement of this Act shall cease to hold office as such member.

5. (1) The reservation of seats for the members of the Scheduled Castes made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act. Reservation of seats to continue only in the case of Scheduled Castes.

(2) The reservation of seats for the members of any other community made under the old Act shall cease to be in force with effect from the commencement of this Act, but nothing herein shall affect the tenure of office of a member elected to a seat so reserved and holding office at the commencement of this Act.

6. (1) Any division of a village into wards made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act : Existing wards to continue except in certain cases.

Provided that where such division is not in accordance with the provisions of section 9 of this Act, the Inspector shall, as soon as may be after the commencement of this Act, re-divide the village in accordance with those provisions.

(2) Where a village has to be divided into wards under the provisions of section 9 of this Act but has not been so divided before

[20th January 1950]

the commencement of this Act, the Inspector shall, as soon as may be after such commencement, divide the village into wards in accordance with those provisions.

(3) The Inspector shall, as soon as may be after the commencement of this Act, determine the ward which each of the members who is deemed to be an elected member under sub-rule (1) of rule 4, shall be deemed to represent.

Term of office of existing presidents and vice-presidents. Filling up of casual vacancies.

7. The president and vice-president of a panchayat holding office at the commencement of this Act shall, subject to the provisions thereof, continue to hold office as such president or vice-president up to the date referred to in sub-rule (1) of rule 4.

8. (1) Any vacancy in the office of the president or vice-president of a panchayat which is in existence at the commencement of this Act or which occurs before the date referred to in sub-rule (1) of rule 4 shall be filled by election under the provisions of this Act.

(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of this Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in sub-rule (1) of rule 4.

Explanation.—For the purposes of this rule—

(1) if a person holding office as an elected member of a panchayat at the commencement of this Act becomes an *ex-officio* member thereof under sub-rule (2) of rule 4, his seat as an elected member shall, except in cases where the total number of members of the panchayat fixed under the old Act is more than fifteen, be deemed to have become vacant at the commencement of this Act;

(2) the seat of a village headman holding office as a member of a panchayat at the commencement of this Act shall be deemed to have become vacant at such commencement;

(3) the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the commencement of this Act, been elected shall be deemed to be vacant at the commencement of this Act.

Reconstitution of panchayats dissolved or superseded under old Act.

9. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution at the commencement of this Act shall be reconstituted in accordance with the provisions of this Act.

Constitution of panchayats for which special officer has been appointed under old Act.

10. Where a panchayat has been constituted for the first time under the old Act and a special officer appointed for the panchayat under section 240 of that Act is in office as such at the commencement of this Act, it shall be constituted in accordance with section 122 of this Act.

20th January 1950]

11. (1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust, by or for any panchayat as well as all liabilities legally subsisting against it shall, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, pass to such panchayat as deemed to be constituted under this Act. Devolution of property, rights and liabilities.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a panchayat at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with this Act, be continued by or against such panchayat or authority under this Act.

12. Any tax which was being lawfully levied by any panchayat at the commencement of this Act shall continue to be levied by the panchayat for the year in which this Act is brought into force and unless and until the Government by general or special order otherwise direct, for subsequent years also. Continuance of existing taxes.

13. Any action taken by any authority before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old Act or not. Action taken under old Act to continue.

SCHEDULE IV.

Amendments of the Madras Local Boards Act, 1920.

(See section 136.)

1. In the Act (the Madras Local Boards Act, 1920) including the Long Title, the preamble and the Schedules thereto, other than Schedule I, for the words in the first column of the table below, the words in the corresponding entry in the second column thereof shall be substituted except as otherwise expressly provided in this Schedule :—

(1)	(2)
local board.	district board.
local boards.	district boards.
panchayat.	district board.
panchayats.	district boards.
local fund.	district fund.
village fund.	district fund.

[20th January 1950]

2. In section 3—

(i) for clause (7-C), the following clause shall be substituted, namely :—

“(7-C) ‘executive authority’ means the president ;”

(ii) clauses (7-D) and (8) shall be omitted and for clauses (11) and (12), the following clause shall be substituted, namely :—

“(11) ‘non-panchayat area’ means any area which is not comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ;”

(iii) for clauses (15-A) and (15-B), the following clauses shall be substituted, namely :—

“(15-A) ‘panchayat’ means a panchayat constituted under the Madras Village Panchayats Act, 1950 ;

(15-B) ‘panchayat area’ means the area comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ;”

(iv) clauses (19-B), (19-C) and (23) shall be omitted.

3. For the heading of Chapter II the heading “Districts” shall be substituted.

4. Section 5 shall be omitted.

5. In section 6—

(i) in sub-section (1), the words “and for each village, a panchayat” shall be omitted ;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Subject to the provisions of this Act, the local administration of a district shall vest in the district board constituted therefor, but the board shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or to other authorities.” ;

(iii) in sub-section (3), the words “or village” and the words and figure “or 5, as the case may be,” shall be omitted.

6. For section 7, the following section shall be substituted, namely :—

“7. Subject to the provisions of sub-section (3-A) of section 9, the total number of members of a district board shall not exceed 52 or be less than 24.”

7. In section 9—

(i) sub-section (2) shall be omitted ;

(ii) in sub-section (3), the word, brackets and figure “or (2)” shall be omitted.

8. In clause (b) of sub-sections (1) and (2) of section 15, for the words “any other local board,” the words “any panchayat” shall be substituted.

9. In section 19, the words “or appointment” and “tempo-
rary president” shall be omitted.

10. (1) Sections 21 and 21-C shall be omitted.

(2) In section 21-D, the brackets and figure “(1)” and clauses (2) and (3) shall be omitted.

Executive
authority.’

Non-pan-
chayat
area.’

‘Panchayat.’

‘Panchayat
area.’

Strength of
District
Boards.

20th January 1950]

11. In section 22-A—

(i) clause (b) of sub-section (2) shall be omitted and clause (a) thereof shall be renumbered as sub-section (2);

(ii) in sub-section (3), the words “in the case of district boards and of not less than five clear days in the case of panchayats” shall be omitted;

(iii) sub-section (4) shall be omitted and the Explanation shall be retained unaltered.

12. In section 23—

(i) in sub-sections (1) and (3), the words “where he is also the executive authority” shall be omitted;

(ii) in sub-section (2), for the words “including where he is also the executive authority his functions as such”, the words “including his functions as executive authority” shall be substituted;

(iii) in the proviso to the same sub-section, after the words “president's functions”, the words “including his functions as executive authority” shall be inserted;

(iv) for clause (iii) of the proviso to sub-section (3), the following clause shall be substituted, namely :—

“(iii) every order made under this sub-section shall be communicated to the board at its next meeting”;

(v) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) Subject to any restrictions that the district board may impose, the president may by an order in writing delegate any of his executive functions to any member, officer or servant of the board or to any servant of the Provincial Government.”

13. Section 24 shall be omitted.

14. In sub-section (1) of section 26, for the words “within the local board area”, the words “within the district” shall be substituted.

15. In sub-section (2) of section 27, for the portion beginning with the words “refer the question” and ending with the words “be final”, the following words shall be substituted, namely :—

“refer the question to the Provincial Government whose decision shall be final.”

16. In section 27-A—

(i) in sub-section (1), clause (ii) shall be omitted and clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively;

(ii) in sub-section (2), for the words “four standing committees referred to”, the words “three standing committees referred to” shall be substituted;

(iii) in sub-section (3)—

(a) the second proviso to clause (a) shall be omitted;

(b) the words “except in the case of the standing committee for rural development” in clause (b) shall be omitted.

17. Section 33 shall be omitted.

[20th January 1950]

18. For section 36, the following section shall be substituted, namely :—

Submission
of annual
reports.

“ 36. (1) As soon as may be after the first day of April every year and not later than such date as may be fixed by the Provincial Government, every district board shall submit to the Provincial Government, a report on its administration during the preceding year in such form and with such details as the Provincial Government may direct.

(2) The executive authority shall prepare the report; the district board shall consider the report and submit it to the Provincial Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the Provincial Government may direct.”

19. In section 37, the figure and brackets “(1)” at the commencement shall be omitted.

20. In section 37-B, the words “executive authorities” shall be omitted.

21. Sections 37-D and 42 shall be omitted.

22. In sub-section (1) of section 41, the words “or executive authority” shall be omitted and after the words “any other Act”, the words “including in the case of its president any of his duties as executive authority” shall be inserted.

23. In sub-section (1) of section 43, the words “where he is also the executive authority” shall be omitted.

24. In section 45—

(i) in sub-section (1-A), the words “and to the district board in the case of a panchayat” and the words “or boards” in both the places where they occur shall be omitted;

(ii) in sub-section (3), for the words “including where the president is also the executive authority his powers and duties as such”, the words “including his powers and duties as executive authority” shall be substituted.

25. Section 45-A shall be omitted.

26. In section 45-B, the words, figures and letter “or a panchayat is superseded under section 45-A”, the words “or panchayat” in the two places where they occur, and the words “or supersession” shall be omitted.

27. Sub-section (2) of section 46 shall be omitted and sub-section (1) thereof renumbered as section 46.

28. Section 49 shall be omitted.

29. In section 51—

(i) in sub-section (1), for the words and brackets “the area of the local board (hereinafter in this section referred to as ‘local area’)”, the words “a district” shall be substituted;

(ii) in Explanation (1) to the same sub-section, for the words “local area” wherever they occur, the word “district” shall be substituted;

20th January 1950]

(iii) in sub-section (2) the words "The District Panchayat Officer or" shall be omitted;

(iv) in sub-section (3), the words "and when a village has been divided into wards the electoral roll for the panchayat shall be divided into separate parts for each ward" shall be omitted;

(v) clause (b) of sub-section (4) shall be omitted and clause (a) thereof shall be renumbered as sub-section (4).

30. In sub-section (1) of section 56, for clause (g), the following clause shall be substituted, namely:—

"(g) ceases to reside in the district or in a municipality (including the City of Madras) or a cantonment, situated within three miles of the district;"

31. In section 60—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) All public roads in any district which are classed as district roads and all public roads in non-panchayat areas in the district shall vest in the district board";

(ii) in sub-section (2) after the words "a public road", the words, figure and brackets "which vests in a district board under sub-section (1)" shall be inserted; for the words "any public road", the words "any such road" shall be substituted; and the words "in which the public road vests" shall be omitted.

32. In section 62, for the words "vested in a local board", the words "vested in itself" and for the words "other local board", the word "panchayat" shall be substituted.

33. In section 65, the words "or a collector or any private person or body of persons" shall be omitted, and the word "panchayat" wherever it occurs shall be retained unaltered.

34. Sections 65-A and 65-B shall be omitted.

35. In section 68—

(i) in sub-section (1), for the words "a post of district health officer and one or more posts of district panchayat officer", the words "and one or more posts of district health officer" shall be substituted;

(ii) in the proviso to sub-section (3), for the words "district health officer or district panchayat officer", the words "or district health officer" shall be substituted.

36. In sub-section (1) of section 69, for the words "district health officer or district panchayat officer", the words "or district health officer" shall be substituted.

37. Section 69-B shall be omitted.

38. In sub-section (1) of section 69-C, the words "or panchayat" shall be omitted.

39. In section 70, for the words "the district health officer and the district panchayat officer", the words "and the district health officer" shall be substituted.

[20th January 1950]

40. In sub-section (1) of section 70-A—

(i) for the words and figures “or in the Madras District Municipalities Act, 1920”, the words and figures “the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1950,” shall be substituted;

(ii) after the words and figures “under the Madras District Municipalities Act, 1920”, the words and figures “or of any panchayat constituted under the Madras Village Panchayats Act, 1950” shall be inserted;

(iii) for the proviso, the following proviso shall be substituted, namely :—

“Provided that no such transfer shall be made except after consulting the district board, and the other district board, the municipal council or the executive authority of the panchayat, as the case may be.”

41. Sub-section (2) of section 71 shall be omitted and sub-section (1) thereof shall be renumbered as section 71; and in the opening paragraph of the section as so renumbered, the words “and on the staff of all panchayats in the district” shall be omitted.

42. In section 72, for the words “the district health officer or the district panchayat officer”, the words “or the district health officer” shall be substituted.

43. Sub-section (2) of section 73 shall be omitted and sub-section (1) thereof shall be renumbered as section 73, and in the section as so renumbered, for the words “the district health officer and the district panchayat officer”, the words “and the district health officer” shall be substituted.

44. In section 73-B, the words, figures and letter “and of any person appointed under section 69-B” shall be omitted.

45. In section 74-A—

(i) in sub-section (1), for the words “local fund service”, the words “separate service” shall be substituted.

(ii) in sub-section (2), the words “local fund” shall be omitted.

46. In section 74-C, after the words “a duty shall be levied,” the words “in all non-panchayat areas” shall be inserted.

47. In section 75—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) A district board may by a resolution determine that a profession tax shall be levied in all non-panchayat areas in the district or in any non-panchayat area specified in the resolution.”;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (3), for the word “taxes” in clause (a), the words “the profession tax” shall be substituted;

(iv) in the same sub-section, in clause (b), for the words “existing tax” and “a tax,” the words “existing profession tax” and “a profession tax” shall respectively be substituted, and for

20th January 1950]

the words "in the case of local boards which have an outstanding loan," the words "if the district board has an outstanding loan" shall be substituted ;

(v) in sub-section (4), the words, figure and brackets "or a notification under sub-section (2)" and the words "or notification" and "or panchayat, as the case may be" shall be omitted.

48. In section 77, sub-section (2) shall be omitted ; clauses (a) and (b) of sub-section (1) shall be renumbered as sub-sections (1) and (2), respectively ; and in sub-section (2) as so renumbered, for the expression "clause (a)", the expression "sub-section (1)" shall be substituted.

49. After section 91, the following section shall be inserted, namely :—

"92. The proceeds of the land-cess shall be credited to the district fund : Apportionment of land cess.

Provided that the cess collected in any panchayat area shall be distributed as follows :—

(a) three-fourths of the cess shall be credited to the district fund, and

(b) one-fourth of the cess shall be credited to the panchayat fund."

50. In sub-section (1) of section 93, for the words "local area", wherever they occur, the words "non-panchayat area" shall be substituted and for the words, brackets, letter and figures "clause (b) of sub-section (1) of section 77", the words, brackets and figures "sub-section (2) of section 77" shall be substituted."

51. In sub-section (1) of section 94-A, for the words "local area," wherever they occur, the words "non-panchayat area" shall be substituted.

52. Section 95 shall be omitted.

53. Sections 98 to 103 and the heading thereto shall be omitted.

54. In section 110—

(i) in sub-section (3), for the expression "clause (b) of sub-section (1) of section 77", the expression "sub-section (2) of section 77" shall be substituted ;

(ii) after sub-section (4), the following sub-section shall be inserted, namely :—

"(4-A) The proceeds of the pilgrim tax shall be credited to the district fund :

Provided that where the tax is levied in respect of a panchayat area and the occasion for pilgrimage is not a festival classified as a district festival, the proceeds shall be credited to the panchayat fund. " ;

(iii) in sub-section (5), for the words "local board" in clause (ii), the words "district board or panchayat" shall be substituted ;

(iv) in the same sub-section, in clause (iv), for the words "local boards", wherever they occur, the words "district boards or panchayats" shall be substituted.

[20th January 1950]

55. In sections 110-A and 110-B, for the words "in the area" the words "in any non-panchayat area" shall be substituted.

56. In section 111, for the words and figures "Subject to the provisions of section 103, the district board", the words "The district board" shall be substituted.

57. In section 112—

(i) to sub-section (1), the following proviso shall be added, namely :—

"Provided that nothing contained in this sub-section shall be deemed to enable a district board to expend its moneys within any panchayat area for any purpose exclusively within the jurisdiction of the panchayat, except with the general or special sanction of the Provincial Government.";

(ii) in sub-section (2), for the words "area of the local board" and "local board area," the word "district" shall be substituted.

58. In section 114, the words "and for each village a village fund" shall be omitted.

59. In section 115, for the words "village and district funds, respectively," the words "district funds" shall be substituted.

60. In section 116—

(i) in sub-section (2), for the words "Every local board," the words "The district board" shall be substituted ;

(ii) sub-section (3) shall be omitted.

61. In section 117—

(i) in sub-section (1), for the words "a consolidated budget" the words "its budget" shall be substituted and the words "of itself and of all panchayats in the district" shall be omitted ;

(ii) in sub-section (2), the word "consolidated" shall be omitted, and for the words "any local board," the words "the district board" shall be substituted.

62. Section 118 shall be omitted.

63. In sub-section (1) of section 121, for the words "of a local board area," the words "of the district or any part thereof" shall be substituted.

64. Before section 122 and the heading thereto, the following heading and section shall be inserted, namely—

"Application of chapter to panchayat areas."

121-B. The provisions of this chapter, except sections 137, 138 and 139, shall not apply to any panchayat area unless the Provincial Government by general or special order, otherwise direct."

Provisions
of chapter
except
sections 137,
138 and 139
not to apply
to pancha-
yat areas.

65. In sub-section (2) of section 124, the words "in the village" shall be omitted.

20th January 1950]

66. In section 126—

- (i) in clause (i), the words “in the village” shall be omitted ;
- (ii) in clause (ii), the words “in the village” and “or of the district board” shall be omitted, and for the words “for the maintenance, repair and improvement thereof,” the words “for their maintenance, repair and improvement with a view to their use by the public but shall not be entitled to levy any fees in respect thereof” shall be substituted.

67. In section 128, the words “or village,” “or the panchayat as the case may be” and “or panchayat” shall be omitted.

68. In section 129, after the words “a public road” where they occur for the first time, the words “vested in a district board” shall be inserted, and for those words where they occur for the second time, the words “such public road” shall be substituted.

69. In section 135, for the word “village,” the word “district” shall be substituted.

70. In sub-section (2) of section 140, the words “with the sanction of the district board” shall be omitted.

71. In section 146—

- (i) in sub-section (1), the words “with the previous sanction of the district board” shall be omitted ;
- (ii) in sub-section (2), for the word “village,” the words “local area” shall be substituted.

72. In sub-section (1) of sections 147 and 148, for the words “public road appears to the executive authority of the local board in which such road is vested,” the words “public road vested in a district board appears to the executive authority thereof” shall be substituted.

73. In sub-section (1) of section 150, after the words “other place,” the words “in a non-panchayat area” shall be inserted.

74. In clause (a) of sub-section (1) of section 151, after the words “public road,” the words “vested in” shall be inserted.

75. In sub-sections (1) and (2) of section 153, after the words “any building or land,” the words “in a non-panchayat area” shall be inserted.

76. To sub-section (1) of section 154, the following paragraph shall be added at the end, namely :—

“Where such notice is given, no person shall keep any pig or dog, as the case may be, within such limits without obtaining a licence from the executive authority of the district board or otherwise than in accordance with the conditions specified in such licence.”

77. In section 157, after the words “public road,” the words “vested in a district board” shall be inserted.

[20th January 1950]

78. For sub-section (1) of section 158, the following sub-section shall be substituted, namely :—

“(1) No door, gate, bar or ground-floor window shall be hung or placed so as to open outwards upon any public road vested in a district board, without a licence from the executive authority of such board.”

79. In sub-section (5) of section 160, the words “or any class of local boards” shall be omitted.

80. In sub-section (1) of section 161, after the word “erected,” the words “in a non-panchayat area” shall be inserted.

81. In sub-section (1) of section 163, after the words “public road,” the words “vested in a district board” shall be inserted, and for the words “executive authority of the local board in which such road is vested,” the words “executive authority of the district board” shall be substituted.

82. In Chapter XI, after the heading “Markets, slaughter-houses, etc,” and the sub-heading “Public markets,” the following section shall be inserted, namely :—

Classification
of markets as
district and
panchayat
markets.

“166-A. The Provincial Government shall have power to classify public and private markets situated in a panchayat area as district markets and panchayat markets respectively and provide for the control of any such market and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.”

83. In section 168—

(i) to sub-section (1), the words “in any non-panchayat area and if specially authorized by the Provincial Government in that behalf, in any panchayat area” shall be added at the end ;

(ii) in sub-section (2), for the words “any public market,” the words “any of its public markets” shall be substituted ;

(iii) in sub-section (3), the words “with the sanction of the district board” shall be omitted and for the words “any public market” the words “any of its public markets” shall be substituted.

84. In sub-sections (1) and (2) of section 169, for the words “any public market,” the words “any district board public market” shall be substituted.

85. In section 171, in sub-section (1), after the words “no person shall,” the words “in any non-panchayat area” shall be inserted.

86. In section 172—

(i) in sub-section (1), the reference to the Madras Local Boards Act, 1884, shall be retained unaltered ;

(ii) for sub-sections (2) and (3), the following sub-section shall be substituted, namely :—

“(2) The district board shall, after making or causing to be made such inquiries, if any, as it thinks fit, grant or refuse the certificate.”

20th January 1950]

87. In sections 176 and 178, after the words "any private market," the words "in a non-panchayat area or of any private market in a panchayat area which is classified as a district market" shall be inserted.

88. For clauses (a) and (b) of section 179, the following clauses shall be substituted, namely :—

"(a) in respect of which no licence has been applied for, if the market is in a non-panchayat area or if being in a panchayat area it is classified as a district market ; or

(b) the licence for which has been refused, withheld or suspended by the district board ; or."

89. In sub-section (1) of section 180, after the words "to hold a private market in any place," the words "in a non-panchayat area or to hold a private market classified as a district market in any place in a panchayat area" shall be inserted.

90. In section 181, for the words "appeal against such order to the district board," the words "appeal against such order to the Provincial Government" and for the words "the executive authority of the district board may, if he thinks fit," the words "the Provincial Government may, if they think fit" shall be substituted.

91. In section 182, after the word "market," the words "in a non-panchayat area or of a market in a panchayat area which is classified as a district market" shall be inserted.

92. Section 183-A shall be omitted.

93. In section 183-B, the words "panchayat or" shall be omitted.

94 (1) In sub-section (1) of section 184, after the word "cart-stands," the words "in non-panchayat areas" shall be inserted

(2) In sub-section (1-B) of the same section, the reference to the Madras District Municipalities and Local Boards (Amendment) Act, 1941, shall be retained unaltered.

95 To section 185, the words "being a place or road vesting in the district board" shall be added.

96 In section 187, in sub-section (1), after the words "No person shall," the words "in any non-panchayat area" shall be inserted.

97. In section 189, to sub-section (1), the words "in non-panchayat areas" shall be added.

98. In section 190—

(i) the words "with the sanction of the district board" shall be omitted ;

(ii) in clause (a), for the words "in the village or in any specified area therein," the words "in any specified non-panchayat area" shall be substituted ;

(iii) in clause (b), after the words "slaughter or permit to be slaughtered," the words "in any specified non-panchayat area" shall be inserted.

[20th January 1950]

99. In section 191, for the words "within the village," the words "in non-panchayat areas" shall be substituted.

100. In section 193, in sub-section (1), for the words "within the limits of the village," the words "situated in any non-panchayat area or in such non-panchayat area as may be specified in the notification" shall be substituted.

101. In section 194—

(i) in clause (a) of sub-section (1), after the word "establish," the words "in any non-panchayat area" shall be inserted;

(ii) in clause (b) of the same sub-section, after the word "premises," the words "in a non-panchayat area" shall be inserted;

(iii) in clause (ii) of sub-section (2), the words "by the district board" shall be omitted;

(iv) in clause (a) of sub-section (4) for the words "in the village," the words "in the non-panchayat area" shall be substituted.

102. In sub-section (1) of section 195, after the word "work-place," the words "in a non-panchayat area" shall be inserted.

103. In sub-section (1) of section 197, after the word "work-place," the words "in a non-panchayat area" shall be added.

104. In section 198 of the said Act, for the words "local board area" in the opening paragraph, the words "non-panchayat area" shall be substituted.

105. To section 202, the following proviso shall be added, namely:—

"Provided that nothing contained in this section shall be deemed to authorize the district board, without the approval of the Provincial Government, to make by-laws for any panchayat area in respect of any matter for which the panchayat may make by-laws under the Madras Village Panchayats Act, 1950."

106. Section 203-A shall be omitted.

107. In sections 204 and 205, the words "or panchayat" shall be omitted.

108. In section 205-A—

(i) sub-section (2) shall be omitted and sub-section (3) renumbered as sub-section (2);

(ii) in sub-section (2) as so renumbered, the words "or panchayat" and the words, figure and brackets "or (2) as the case may be" shall be omitted.

109. In section 206, the words "of the panchayat and" shall be omitted, and for the words "to the village or to any specified area therein," the words "to any specified non-panchayat area in the district" shall be substituted.

110. In section 208—

(i) in sub-section (2), for the words "acts as the president, temporary president or vice-president of a local board or exercises any of his functions including where he is also the executive authority any of his functions as such," the words "acts as the president or vice-president of a district board or exercises any of his functions including his functions as executive authority" shall be substituted;

20th January 1950]

(ii) in sub-section (3), the words "temporary president" wherever they occur shall be omitted.

111. In section 218, for the words "in the area of the local board concerned," the words "in the district" shall be substituted.

112. In section 233, the words "in regard to any local board or any class of local boards or all local boards in that area" shall be omitted.

113. In sections 235 (1) and 236, the reference to the Madras Local Boards Act, 1884, shall be retained unaltered.

114. In sub-section (2) of section 237, the words "for different classes of local boards" shall be omitted.

115. In section 240—

(i) in sub-section (1), for the words "and its executive authority," the words "including his powers, duties and functions as executive authority" shall be substituted;

(ii) in sub-section (2), the words and figure "or 5 as the case may be" shall be omitted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions—

(a) of the district board until a board has been constituted; and

(b) of the president of the board including his powers, duties and functions as executive authority until a president has been elected by the board."

(iv) in sub-section (5), for the words "in the same district," the words and figures "in that one of the three groups of districts as divided by the Madras Local Boards (Amendment) Act, 1935, to which the district belongs" shall be substituted;

(v) in sub-section (8), after the words "exercise jurisdiction" the following words shall be inserted, namely:—

"or for which a panchayat has been newly constituted."

116. After section 240, the following section shall be inserted, namely:—

"240-A. Notwithstanding anything contained in this Act, or in the Madras Village Panchayats Act, 1950, the Provincial Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that any function vested in a district board by or under the Madras District Boards Act, 1920, shall be transferred to and performed by any panchayat or class or panchayats."

Transfer of functions of district boards to panchayats.

117. In sub-section (1) of section 241, the words "district board or panchayat" in the two places where they occur and the words "as the case may be" at the end shall be omitted.

118. In Schedule II—

(i) in rule 2, the words "and every panchayat at least once in every month" shall be omitted;

[20th January 1950]

(ii) in sub-rule (1) of rule 3, after the words "No meeting," the words "of the district board" shall be inserted, and the words "at least three clear days before the day of the meeting in the case of panchayats and" and "in the case of district boards" shall be omitted;

(iii) in sub-rule (1) of rule 4, the words "executive officer," the words "at least ten clear days before the day of the meeting in the case of panchayats and" and the words "in the case of district boards" shall be omitted;

(iv) sub-rules (2), (3) and (4) of rule 11 shall be omitted, and sub-rule (1) of that rule shall be renumbered as rule 11; and

(v) in rule 11 as renumbered, for the words, brackets and figures "sub-section (1) of section 37," the word and figures "section 37" shall be substituted.

119. In Schedule IV—

(i) in the heading, for the words, figures and brackets "(see sections 92, 93, 95, 98 and 104)," the words, figures and brackets "(see sections 92 and 93)" shall be substituted;

(ii) for rule 3, the following rule shall be substituted, namely:—

"3. The District Collector shall cause the net proceeds of the land-cess collected under the authority conferred on him by this Act to be credited to the district fund and the panchayat fund in accordance with the provisions of section 92.";

(iii) in rule 4, for the words "local board concerned," the words "district board or panchayat concerned" shall be substituted;

(iv) for the heading before rule 5 "Part II—Other Taxes—Provisions common to other taxes in general," the heading "Part II—Profession Tax—General" shall be substituted;

(v) in sub-rule (1) of rule 5, the words "separate" and "and the house tax" shall be omitted;

(vi) in sub-rules (2) and (3) of the same rule, for the words "any tax", the words "the tax" shall be substituted;

(vii) in sub-rule (4) (a) of the same rule, the words "or any property" and the words "relating to any tax" shall be omitted;

(viii) in rule 6, for the words "person or property," the words "or person" shall be substituted;

(ix) in rule 10, for the words "local area" in the two places where they occur, the words "non-panchayat area" shall be substituted;

(x) in sub-rule (1) of rule 11, for the words "the area of a single local board" in the opening paragraph, the words "the non-panchayat area of a single district board" and for the words "the area of the local board" in clause (b), the words "the non-panchayat area of the district board" shall be substituted;

(xi) in sub-rule (2) of the same rule, for the words "partly in the area of a local board," the words "partly in the non-panchayat area of a district board" and for the words "in the area of the local board" occurring later, the words "in the non-panchayat area of the district board" shall be substituted;

20th January 1950]

(xii) in sub-rule (3) of the same rule, for the words "local area" in the two places where they occur, the words "non-panchayat area" shall be substituted ;

(xiii) rules 12 to 25 and the heading thereto shall be omitted ;

(xiv) for rule 27, the following rule shall be substituted, namely :—

" 27. An appeal shall lie to the district board in respect of the proceedings of the executive authority under rule 11-A. ";

(xv) in rules 30 and 31, for the words "any tax," the words "the tax" shall be substituted ;

(xvi) in rule 32—

(a) sub-rule (1) shall be omitted and sub-rules (2) to (4) renumbered as sub-rules (1) to (3) respectively ;

(b) in sub-rule (1) as so renumbered, the words, figures and brackets "and a bill under sub-rule (1) of rule 32" shall be omitted ;

(c) in clause (a) of the same sub-rule, the words "property or thing" shall be omitted ;

(d) in sub-rule (2) as so renumbered, the words "or bill" and "or bill as the case may be" shall be omitted ;

(xvii) in sub-rule (1) of rule 33, for the words "any tax" the words "the tax" shall be substituted, and the words, letter, figures and brackets "or bill or the giving of the direction referred to in rule 24-A (2)" shall be omitted ;

(xviii) rule 38 shall be omitted ;

(xix) in Appendix A, the words "and premises, if any, in respect of which the tax or taxes are due" and the words and brackets "(or as the case may be any goods and chattels found on the premises referred to)" shall be omitted.

120. In Schedule V—

(i) sub-rule (aa) of rule 1 shall be omitted ;

(ii) rule 1-A shall be omitted ;

(iii) in rule 1-B—

(I) in sub-rule (2)—

(1) for clause (c), the following clause shall be substituted, namely :—

" (c) the establishment and maintenance of choultries in non-panchayat areas and of choultries classified as district choultries in panchayat areas " ;

(2) in clause (cc), for the portion beginning with the word "except" and ending with the words "district board," the following shall be substituted, namely :—

" except in any panchayat area where a contribution is paid by the district board to the panchayat on the scale fixed by the Provincial Government for the opening and maintenance of elementary schools " ;

(3) for clause (dd), the following clause shall be substituted, namely :—

" (dd) the opening and maintenance of libraries and reading rooms in non-panchayat areas and of libraries and reading rooms classified as district libraries and district reading rooms in panchayat areas " ;

[20th January 1950]

(4) for clause (h), the following clause shall be substituted, namely :—

“(h) the establishment and maintenance of hospitals ; the establishment and maintenance of dispensaries in non-panchayat areas and of dispensaries other than those classified as panchayat dispensaries in panchayat areas ; and every other kind of medical relief in non-panchayat areas, and every other kind of medical relief not given by the panchayat in panchayat areas ” ;

(5) in clause (i), for the portion beginning with the word “except” and ending with “rule 1-A,” the following shall be substituted, namely :—

“except, in panchayat areas, such measures as may have been carried out by the panchayat under the Madras Village Panchayats Act, 1950 ” ;

(6) to clause (l), the following words shall be added, namely :—

“in panchayat areas and of all public markets in non-panchayat areas ” ;

(7) to clause (m), the following words shall be added, namely :—

“in panchayat areas and of all fairs and festivals in non-panchayat areas ” ;

(8) for clause (n), the following clauses shall be substituted, namely :—

“(n) the construction of drains and disposal of drainage water and sullage in any non-panchayat area ;

(o) in any non-panchayat area, the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows ; and other improvements of the sanitary condition ;

(p) the provision of public latrines and arrangements to cleanse latrines, whether public or private, in any non-panchayat area ;

(q) the opening and maintenance of burial and burning grounds in non-panchayat areas ;

(r) in non-panchayat areas, the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes, and the construction of bathing ghats ;

(s) the opening and maintenance of public slaughter-houses in non-panchayat areas ;

(t) the establishment and maintenance in non-panchayat areas of wireless receiving sets, of playgrounds, or parks, of sports clubs and of centres of physical culture.”

20th January 1950]

(II) in sub-rule (3), for clause (d), the following clause shall be substituted, namely :—

“(d) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the district; and”;

(iv) rules 2 and 3 shall be omitted;

(v) in rule 4, for the words “any other local board,” the words “any panchayat” shall be substituted;

(vi) (1) in rule 5, the words “village and” and “respectively” in the opening paragraph and the heading “A—Village Funds” and all the items thereunder shall be omitted; and for the heading “B—District Funds,” the heading “District Funds,” shall be substituted; and for items (1) and (1-A) under that heading, the following items shall be substituted, namely :—

“(1) The land-cess levied in the district, subject to the provisions of section 92.

(2) The profession tax levied in non-panchayat areas in the district under section 93.

(2-A) The pilgrim tax levied (i) in respect of any panchayat area in the district where the occasion for pilgrimage is a festival classified as a district festival, and (ii) in respect of any non-panchayat area in the district.”;

(2) for item (3-A) under the same heading, the following items shall be substituted, namely :—

“(3-A) Fees levied (i) in public markets in panchayat areas which are classified as district markets, after deducting the contribution, if any, paid by the district board to the panchayat on the scale fixed by the Government, and (ii) in public markets in non-panchayat areas.

(3-B) The contribution paid to the district board by panchayats in respect of markets situated in panchayat areas which are not classified as district markets, on the scale fixed by the Government.

(3-C) Fees for the use of public landing places, halting places, cart-stands and slaughter-houses in non-panchayat areas; and fees for the temporary occupation of village-sites, roads, burial and burning grounds and other similar public places or parts thereof in non-panchayat areas.”;

(3) in item (5) under the same heading, for the words “in the district,” the words “in panchayat areas” shall be substituted, and after the words “district choultries,” the words “and or all choultries in non-panchayat areas” shall be added;

(4) in item (7) under the same heading, for the words “and dispensaries classified as district hospitals and dispensaries,” the words “of dispensaries in non-panchayat areas and of dispensaries in panchayat areas classified as district dispensaries” shall be substituted;

(5) in item (12) under the same heading, after the words “all district roads,” the words “and to all public roads in non-panchayat areas” shall be added;

(6) in item (13) under the same heading, after the word “ferries,” the words “and fisheries” shall be inserted;

[20th January 1950]

(7) after item (18) under the same heading, the following item shall be inserted, namely :—

“(19) All sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the district fund or managed by the district board.”

(vii) rule 6 shall be omitted ;

(viii) in rule 8—

(1) in sub-rule (1), the words “and all moneys received by a panchayat shall be lodged either in the nearest Government Treasury or in the nearest Post Office Savings Bank” shall be omitted ;

(2) clause (b) of sub-rule (2) shall be omitted and clause (a) thereof shall be renumbered as sub-rule (2), and in the sub-rule as so renumbered, the words “and a panchayat may with the sanction of the Inspector of Local Boards” shall be omitted ;

(ix) in sub-rule (1) of rule 9, sub-clause (ii) of clause (b) shall be omitted and sub-clause (i) thereof shall be relettered as clause (b), and in the clause as so relettered, the words “in the case of district boards ; or” shall be omitted.

121. In Schedule VIII—

(i) the item relating to section 102 (1) shall be omitted ;

(ii) after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“154 (1) .. Keeping a dog or pig with- Ten rupees ”
out licence or contrary
to licence.

122. In Schedule IX, after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“154 (1) .. Keeping a dog or pig with- Two rupees.”
out licence or contrary to
licence.